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HONOLULU, H. T., FRIDAY, JANUARY 15, 1904—SEMI-WEEKLY.

WHOLE No. 2555.

PUBLIC OPINION IS AGAINST EXTRA SESSION

A Variety of Advice is Offered as to What is Best to Be Done—Appeal to Congress and Supreme Court of United States Suggested.

In order that Governor Carter may arrive at a consensus of opinion of Honolulu's representative citizens on the result of the Supreme Court's decision on the County Act, he has sent out a call to a number of prominent citizens of all parties to meet with him this morning at 9 o'clock in the Hall of Representatives to discuss the situation. Suggestions will be asked of all present as to what course to pursue with regard to County Act measures.

Mr. Buckland communicated with a large number of people by telephone late yesterday afternoon to be present, and in most instances the responses were sufficient to indicate that the meeting will be a large and an important one. The list of gentlemen requested to attend is as follows:

E. D. Tenney, S. M. Ballou, W. O. Smith, U. S. District Attorney Breckons, L. A. Thurston, George W. Smith, the members of the Senate, A. G. M. Robertson, P. C. Jones, Judge Dole, S. M. Damon, Cecil Brown, W. G. Cooper, H. E. Cooper, Walter G. Smith, W. R. Farrington, A. Gardley, William Henry, A. S. Humphreys, the "County" Supervisors, C. M. Cooke, Mr. Spaulding, J. H. Boyd, Frank Hoogs, representatives of the Advertiser, Star, Bulletin and Independent, C. P. Iaukea, Judge Whiting, J. W. Mathewman, A. A. Wilder, Samuel Parker, Prince Kawananakoa, A. W. Pearson, E. S. Cunha, C. W. Ashford, John Colburn, E. A. Mott-Smith, R. N. Boyd, E. C. Winston, A. Lewis, Jr., A. V. Gear, T. McCants Stewart, Fred Macfarlane, Judge Hartwell, Government officials, Albert Judd, W. R. Castle.

The discussion will be held open to all present.

WHAT PEOPLE ARE SAYING OF OUTLOOK

"Where are we at?" was the question on everyone's lips yesterday, after the decision of the Supreme Court in the County Act case became known. And every one had an answer. A special session of the Legislature was the reply of many. An immediate appeal to Congress was another favorite theory. Allow the government to run along as it is now on the old appropriations was still a third solution while the majority opinion was "Deliver us from another session of the present Legislature."

Representative citizens will get a chance to say just what they think ought to be done at this morning's meeting in the old thirteenth room, and out of the multitude of wisdom offered probably some solution will be found for what everyone says is a very difficult problem.

A few days ago the government had no money and a plenitude of appropriations. Now the Territory will have money in plenty but no appropriations under which it may be spent.

Immediate appeal to Congress is the course advised by many and there has been some talk that United States Attorney Breckons would go to Washington on the Korea Friday and push the Hatch bill through Congress. But even this has its drawbacks as there would be some delay and the possibilities of failure in the end. An appeal to the United States Supreme Court is also suggested which would permit the county governments to exist, although there would still be the difficult question of how to support them.

SUPERVISORS APPROVE CURTIS IAUKEA'S BOND

Probably the Last Official Action of the Board Is Taken Before the Final Decree and Judgment Is Entered.

Oahu Supervisors will hold on to their jobs until final judgment and decree is entered by the Supreme Court in the County Act test case. What will probably be the last official act of the board was taken yesterday in the approval of the bond of Curtis Iaukea, as assessor of the county. Iaukea has qualified but may not get an opportunity to act as assessor, although he wanted his office in case anything should happen to place him in the position again, or at least to insure his salary if the county act is passed by Congress or re-enacted by the Legislature.

It was a gloomy lot of county officials and hangers on which met in the Castle & Cooke's hall at four o'clock. Jack Lucas was the only member absent when the meeting was called to order by Chairman Hocking, and when he came in he asked the supervisors what they were doing, and took a seat in the rear with the spectators. Judge Whiting who was in attendance at the meeting, told the supervisors that they were not "pau" yet, and District Attorney Rawlins said he hoped to get a trip to Washington out of it. Judge Whiting said he guessed not as Breckons was going on Friday.

In calling the meeting, Mr. Hocking said it was for the consideration of the assessor's bond which had been submitted with August Dreier and Mrs. Samuel Parker as sureties, each in the sum of \$150,000.

Judge Whiting stated that he had examined the qualifications of the sureties, and had found each of them possessed of much more property than the amount given in the bond and added that the supervisors could satisfy themselves also as to the qualification of the bondsmen. Judge Whiting said he also wanted to suggest, in view of the reports of the county act decision in the papers, based on the ground that it was not in accord with the Organic Act, that it was simply an opinion, not a decision. In this case the Supreme Court had original jurisdiction not as an ordinary case reviewing a decree, and therefore until a decree had been signed, the supervisors were still in office. He said that under these circumstances Mr. Iaukea had a right to qualify as the board was still legal, and would remain so until a decree had been signed, and if a writ of error was taken out, until a final decree in the United States Supreme Court.

Mr. Iaukea's bond was then presented

and referred to the county attorney, Mr. Rawlins immediately giving an opinion that it was in conformity with the county act.

Mr. Mahoe then moved that the bond be approved, the sureties being satisfactory. Supervisor Gilman amended this to make the approval be only as far as the board was legally empowered to do so.

Chairman Hocking suggested that the district attorney be asked for an opinion as to the legality of the board's action. He said he saw no reason why the approval should not be the same as with other county officers, if the board had the right, and if the board was not legally existent then there should be no approval at all.

Supervisor Harvey said that the best way was to accept the bond and let the Supreme Court pass upon the matter, if the question was raised. He said the court had given the supervisors no notice, and he knew nothing excepting what appeared in the papers.

District Attorney Rawlins gave an opinion that until a decree had been signed the board could act, and would be acting under the law. He agreed with Judge Whiting that it was simply an opinion, and the judgment had not been entered. As counsel in the case he had received no notice and it was his opinion that every man was entitled to hold his office until the decree had been signed. He said he intended to hold on to his office until notified that a decree had been signed, and then he proposed to object to the decree.

Supervisor Lucas said that if a man had qualified properly he was entitled to his office and he moved that the bond be approved.

Mr. Gilman stated that he would vote for the approval of the bond if the board could legally do so, and would accept the opinion of the county attorney. The bond was then approved unanimously.

Supervisor Gilman reported for the committee on health that a conference had been held with the trustees of Queen's Hospital, the Leahi Hospital and the Kapiolani Maternity Home, but no decision had been reached, and the committee was given further time.

An adjournment was taken until Monday morning at ten o'clock or if not called sooner by the chair. The members were notified also to attend the conference with the Governor at nine o'clock this morning.

THE COUNTY ACT IS KNOCKED OUT

The County Act is dead. It was declared wholly null and void by a unanimous decision of the Supreme Court, filed at 12 o'clock noon yesterday.

Although the fate of the famous measure was decided on the single question of taxation, the Court's language in waiving consideration of other points indicates plainly enough that the Act is honeycombed with defects more or less "obviously and imminently dangerous" to its life.

The full text of the decision here follows:

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII
October Term, 1903.

Territory of Hawaii vs. Supervisors of the County of Oahu.

Appeal from Circuit Judge, First Circuit—Submitted December 30, 1903. Decided January 13, 1904—Frear, C. J., Galbraith and Perry, J. J.

When the valid and invalid parts of an act are so mutually connected with or dependent on each other as to warrant a belief that the Legislature intended them as a whole and that, if the invalid parts could not be carried into effect, the Legislature would not pass the valid parts independently, the whole must fall.

So much of Act 31, Laws of 1903, known as the County Act, as provides new features in Territorial taxation not incidental to county organization or government, is void under the provision of Section 45 of the Organic Act, "that each law shall embrace but one subject, which shall be expressed in its title."

Said void portion is such an essential feature as to vitiate the whole Act.

OPINION OF THE COURT BY FREAR, C. J.

This is an appeal from a decree dismissing a petition for a writ of *quorum* brought by the Territory for the purpose of inquiring by what authority seven named respondents claim to hold office as Supervisors of the County of Oahu. The real object of the proceeding is to test the validity of Act 31 of the Laws of 1903, known as the County Act, most of the provisions of which were to take effect by its terms on January 4, 1904.

If the Act is void, the respondents do not lawfully hold the offices which they claim to hold solely under that Act.

No question has been raised by the respondents as to procedure or jurisdiction, but on the contrary they seem equally desirous with the petitioner to have the case decided on the merits.

The arguments against the validity of the Act are in general as follows:

1. That the Act was never passed by the House of Representatives as required by the provision in Section 46 of the Organic Act, that in order to become a law the final passage of a bill in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered on the journal, in that, as contended, the House journal shows that the final action in that body was the adoption of the report of the conference committee which recommended certain amendments and does not show that the bill as so amended was passed at all by the House.

2. That the Act makes the County Board of Supervisors an elective body, contrary to the provision in Section 80 of the Organic Act, that the Governor shall appoint, with the advice and consent of the Senate, certain specified officers and boards and "any other boards of a public character that may be created by law."

3. That the Act creates a Territorial Board of Equalization consisting of the Secretary, Treasurer and Auditor of the Territory, not appointed by the Governor, with the consent of the Senate, at all as to one of its members, the Secretary, nor appointed by him as members of the board as to any of its members, contrary to said Section 80 of the Organic Act.

4. That the Act requires the transfer to the counties, to be controlled by vari-

ous elected county officials, of much public property that was ceded by the Republic of Hawaii to the United States by the Joint Resolution of Annexation and was by Section 91 of the Organic Act placed by the United States in the possession of the Territory of Hawaii, to be controlled, as contended, by various appointive Territorial officials, "until otherwise provided for by Congress or taken for the uses and purposes of the United States by direction of the President or of the Governor of Hawaii."

5. That the Act practically abolishes the office of Superintendent of Public Works and High Sheriff by transferring most of their powers and duties to other officers, contrary to Section 75 of the Organic Act, which provides "that there shall be a Superintendent of Public Works, who shall have certain enumerated powers and duties, and Section 79 which contains a similar provision in regard to the High Sheriff."

6. That the whole Act is void because it contains two subjects, one in relation to county government and one in relation to Territorial works and institutions and because, as contended, the title of the Act is likewise correspondingly double, in contravention of Section 45 of the Organic Act, which provides "that each law shall embrace but one subject which shall be expressed in its title."

7. That so many and such important portions of the Act are void and ineffective that none of it can stand.

We will assume for the purposes of this case that the first six of these arguments are unsound, and base our decision on the seventh alone.

In support of this argument a number of provisions in the Act were pointed out by counsel as being, according to their contention, void or ineffective in whole or in part for one reason or another. Without professing on the one hand to enumerate fully or on the other to confine ourselves strictly to the provisions advanced by them in each instance, the general line of thought on this branch of the case may be illustrated by the following statement of arguments: That certain provisions are void or ineffective in whole or in part because they are made to depend upon laws which were assumed to be still in force but which had in fact been repealed (as, for instance, Sections 454, 455, relating to contested elections, as shown by *In re Election Contest, ante*); or because they purport to transfer to certain county or Territorial officers powers and duties which were assumed to have been in certain other officers, whose offices, however, had been abolished by the Organic Act or whose duties had been transferred either by the Organic Act or by our own laws to other officers (as, for instance, Sections 365, 394, which purport to transfer to other officers the powers and duties of the Minister of the Interior relating to medicine, surgery, pharmacy, dentistry and prisons); or because they relate to purely Territorial matters in contravention of the provision of the Organic Act that each law shall embrace but one subject which shall be expressed in its title, (as, for instance, Sections 380-391, 483-487, 494, relating to the Territorial Board of Public Institutions, as shown in *Dole vs. Cooper, ante*); or because of two or more of the foregoing reasons (as, for instance, Sections 395-401, 495, 496-501, which place the Territorial penitentiary in the control of

(Continued on Page 5.)

DELEGATE KUHIO WOULD BE WILLING TO RUN AGAIN

WASHINGTON, Dec. 22.—Delegate Kalaniana'ole has received letters bearing upon his candidacy for delegate at the next election, and in one from a prominent official he was asked bluntly whether or not he would be a candidate. The Delegate since his arrival in Washington, has keenly observed the workings of Congress, and of the opinion, while not directly broaching his own candidacy, that it is against the interests of Hawaii to have a new delegate enter Congress at each new session. Prince Kuhio's opinion, like that of a majority of congressmen, is that the changing of a delegate, who is the only representative in Congress a territory has, necessitates the official learning the ropes over again, to the detriment of his territory's interests. Prince Kuhio is non-committal on the next nomination, but it is believed he would accept it if offered to him.

WOULD BE A DELEGATE.
WASHINGTON, December 22.—Dele-

gate Kalaniana'ole has written to Governor Carter and Secretary Atkinson that he would be pleased to serve Hawaii as one of the delegates to the Republican Convention to be held at Chicago.

In making the effort to have the Federal Government take over the light-houses of Hawaii, the Delegate stated to the bureau officials that the Hawaiian government would cease to maintain the lights after December 31, 1903, that after that time the coast would be in darkness, and the Federal Government would then be responsible for any wrecks that might occur. The delegate was told that Hawaii was on a par with Porto Rico and the Philippines in this respect. The Delegate explained that Hawaii was a territory, and after a display of data convinced the officials having the matter in hand, that Hawaii, in its political status, was unlike Porto Rico and the Philippines. Upon this showing the control of the Hawaiian lighthouses was taken over.

SEOUL A DANGER POINT FOR AMERICAN VISITORS

Japan Makes Concessions and the Czar Pledges Himself to Work For Peace.

(ASSOCIATED PRESS TELEGRAMS.)

SEOUL, Jan. 15.—The vernacular press is inciting the people against foreigners, particularly Americans. United States Minister Allen has ordered American women and children to remain in-doors as rioting is imminent.

ST. PETERSBURG, Jan. 15.—At the reception to diplomats yesterday the Czar said he would do all in his power to preserve the peace.

DETROIT, Jan. 15.—Japan has filed a rush order in this city for 40,000 tons of coal.

BERLIN, Germany, Jan. 14.—Responding to the peace overtures of European Powers, Japan has stated that it will consent to eliminate Manchuria from the controversy, leaving Russian rights to that section unquestioned. Japan is ready to restrict its claim to the demand that Korea be left to Japanese influence. The Japanese Government also proposes a neutral zone along the Korean border.

PORT SAID, Suez, Jan. 14.—The two Japanese cruisers recently purchased from Argentine left for Suez today. A Russian battleship has arrived at this port and will presumably follow the Japanese ships.

LIGHTHOUSE KEEPERS ARE NOW FEDERAL EMPLOYES

The commissions for the lighthouse keepers under the United States Lighthouse Board were received in the Siberia's mail, and the men now in charge of the Territorial lighthouses will soon be Federal employees. The old officers of the Territory are re-appointed by the Federal authorities, the commissions having been made out in Washington. The lighthouse keepers are required to take the oath of allegiance to Uncle Sam. The salaries remain the same as appropriated by the legislature and range from eight to one hundred dollars per month.

E. M. Shaw, the clerk who will assist the lighthouse inspector in organizing the service, is expected from San Francisco on the Alameda today.

THE NEXT STEPS.

The unanimous decision of the Supreme Court declaring the County Act invalid, devolves important responsibilities upon the Governor and the people. So many perplexities appear that it is necessary to go slow in determining what is best to do. Governor Carter fully realizes this, and has called a conference of leading citizens to meet this morning to consider the outlook—a method resembling the recourse to the "elder statesmen" in Japan, and altogether admirable in its assurance of calm deliberation and a satisfactory procedure afterwards.

Two or three conclusions seem to be clear already to many citizens, friends as well as opponents of the County bill:

(1). The community cannot afford to have and does not want the present Legislature to be called into extra session. There is no public faith in its integrity or ability as a whole. It could not be kept to one subject nor to a minimum limit of time. Probably the Legislature would insist on sitting sixty days to consider a new County bill and thirty days to consider appropriations under it, at an expense of not less than \$1,000 per day. There is no assurance that a second County measure would be more valid than the first or more permanent; and it is likely that its bonding clauses would be so modified as to render them of little value as a safeguard. Over all proceedings would be, as before, the trail of the grafter.

(2). The annulment of the County Act does not make it imperative that the Legislature should convene and make new appropriations. To arm against contingencies such as the failure of a Legislature to provide for the expenses of Government, the Organic Act empowers the Treasurer of the Territory, with the advice of the Governor, to meet such obligations from the public funds as may have been authorized by the last previous appropriation bills. Thus, where the Legislature of 1902-3 deprived the Territory of certain appropriations which were passed over for County enactment, and which the annulment of the County law again makes necessary, the appropriations made by the Legislature of 1900 apply. In brief Hawaii goes directly back to the old form of government established by Congress and to the appropriations made by the first Legislature which were not continued by the second. So there will be no "chaos" and no hiatus; simply an orderly and safe reversion to first principles. Meanwhile every official chosen under the County Government Act ceases his functions, his election being void by virtue of the illegality of the Act under which the County election was called and held.

What not to do seems clear enough! What to do is something that may be safely left to the Governor and his veteran advisers.



FINN GIVES HIMSELF UP

Surrenders to Police on Punchbowl Slopes.

Joe Finn, the hackdriver who is alleged to have shot Hugh Rooney last Saturday night on Union street, gave himself up to the police last night about 7:30 o'clock, having remained in concealment for three days and nights.

Finn was released on a bond for \$1,000 with H. E. Gares and W. H. Cunningham as sureties. The bond expires at 9 o'clock this morning, at which time Finn must be at the Police Station. His case is set for that hour in the Police Court. Upon arrival at the Police Station last evening Finn was charged with assault and battery with a weapon, to-wit, a loaded revolver.

Deputy Sheriff Chillingworth received word yesterday afternoon that on certain conditions Finn would give himself up. One condition was that he be released on a good and sufficient bond being given for his appearance.

When the sureties were named the Deputy agreed to Finn giving himself up on this condition, and it was then agreed that the hackman would surrender at 7:30 on Punchbowl.

Accompanied by McDuffie and Renear, Chillingworth went to the corner of Luzon and Kinohiwa streets and waited for the appearance of Rooney's assailant. At 7:30 Finn emerged from the darkness and Chillingworth arrested him.

Finn looked as if he had been in a cellar. He was unkempt, his collar and tie were gone and he needed a shave. Without parley he asked Chillingworth for a cigar. The Deputy said to him: "Booze did it, didn't it, Finn?" No answer.

"What's the matter with you—-are you crazy?" Again no answer.

"Are you tongue-tied?" No answer.

All efforts to get Finn to talk proved futile. It is believed that he has had an attorney during the time he has been in hiding, and that the instructions to him were to remain quiet.

VIEWS OF A LEADING CITIZEN

"I have had conversations today with a number of leading members of the bar," said W. R. Castle yesterday, "and the impression seems to be that it is possible to get over the financial difficulty engendered by the county act decision, by the operation of the Organic Act, which makes provision in cases of failure of the legislature to appropriate, the appropriations of the last preceding legislature can be used. The six months bill passed by the present legislature would be a guide in this way. The passage of the eighteen months bill is taken as an indication that the legislature intended to provide means for carrying on the government.

"The gravest danger in my opinion is with the criminal law. Suppose the Supervisors appeal to the Supreme Court at Washington and in the meantime the police officers continue in control. The police make arrests, and the courts try and convict them and they would be condemned.

"Suppose that these condemned men apply to the Supreme Court for a writ of habeas corpus on the ground that the county officers had no right to make arrests, their contention must be upheld upon today's ruling that the county act is void, and they would be released. There would be a regular jail delivery.

"Take the other side. Suppose there is no appeal and the Supervisors acquiesce in the decision, and the Territorial officers resume their duties. They make prisoners and they are convicted and condemned. Then the convicted man goes to Washington on an appeal on the constitutional ground that he has been arrested and convicted by some one not authorized to do so. Then if the Supreme Court holds the act to be valid chaos will result and there would be another jail delivery. The criminal side of the law appeals to me as the serious one and it may make a great deal of trouble.

"One thing is certain—no one wants another session of the legislature. Everyone I have talked with today is opposed to such a thing."

CHRONICLE'S STORY OF KUHIO'S ARREST

WASHINGTON, January 5.—Jonah Kalaniana'ole, better known as Prince Cupid, delegate to Congress from Hawaii, had a belated celebration of New Year's day last night and landed in jail charged with disorderly conduct. He had a wordy war with a bill collector and was arrested with the collector.

Prince Cupid tried to make it plain to the policeman that the law did not apply to members of Congress and Princes of the blood royal, but his argument fell on dull ears. At the First Precinct Station Prince Cupid became so angry that he would not put up \$5 collateral and spent the night in jail. This morning a friend heard of his scrape, and put up the money without Cupid's knowledge. Cupid was still angry and wanted to fight the case. He was provided with a cup of coffee and sandwich at the expense of the District of Columbia and conveyed in the Black Maria to the police court, where the case was postponed until Thursday.

DR. SUN YET ON CHINA

A Famous Revolutionist Addresses Research Club.

At the regular meeting of the Research Club held last evening at the residence of W. W. Hall, Nuuanu street, the feature of the session was an able and interesting address by Dr. Sun Yat Sen, the Chinese leader of the Revolutionist party, his subject being "Things Chinese." He spoke slowly and with care, and presented a very lucid statement of conditions in the Chinese Empire.

He opened by saying that the subject was a large one, that the Empire was larger than the United States and had a population of 400,000,000 people. It was an absolute monarchy, there being no judicial system, no congress, no responsible ministry.

The Empire consisted of several groups of states, each almost a distinct empire. There was China proper with the descendants of the original Chinese race; second, Manchuria; third, Mongolia; and fourth, Tibet. Manchuria was governed by a Tartar general; Mongolia by a Prince of the country itself; Tibet by its priesthood at the head of which is the Lama. The Emperor of China is a Manchu of the dynasty which conquered China in 1744, A. D.

In the Empire there were eighteen provinces each governed by a viceroy. Each province is divided into districts at the head of which is a government official or magistrate. The average population is a million to each district. There being but one government official to such a large community shows the government does not extend deep among the people. This indicates also that the Chinese live a comparatively free community existence.

All struggles in China have mainly been dynastic. One village, however, can make war upon another. The speaker said the weakness of China was the lack of centralized control. There was too much liberty of a loose kind to hold the empire together.

The people of China were essentially homogeneous; barring the dialects on the coast they were practically of one language. While the present government was feeble and in a dying condition, it could not maintain control. The partition of China would prove impossible. The Chinese would resent it and European powers would find that it involved unpleasant difficulties.

EXECUTIVE TOURS OF OTHER ISLANDS

Governor G. R. Carter will leave Honolulu in the steamer Kinohiwa next Tuesday to make a tour of the Island of Hawaii. Secretary A. L. C. Atkinson will accompany him, also Land Commissioner J. W. Pratt and Private Secretary F. D. Creedon. This will be the initial one of a series of executive visits to the different islands, with the object of gaining an insight upon the ground into Territorial interests everywhere in the group.

The expedition to Hawaii will make a landing at Mahukona and proceed through Kohala, Waimea and Hamakua districts to Hilo. From the chief town the Governor's party will go to Oloa, thence completing the circuit by visiting Puna, Kau, and South and North Kona. In Kohala special observations will be made and information gathered bearing upon the Kohala water license.

Public works in all districts will be inspected with, doubtless, the obtaining of material for special representations to Washington besides what will be useful to the intelligent administration of strictly Territorial affairs.

The Hawaii trip would have been taken in yesterday's steamer but for the expected arrival of retiring Governor Taft of the Philippines this week.

ANOTHER CLUBMAN IN THE TOILS

Tome Matsui, a Japanese woman, was living happily in Hilo with her husband some time ago. She was in jail last night. It came about in this way: Yamakawa, alleged to be a member of the Japanese Ten-Dollar Club, made her acquaintance and induced her to come to Honolulu. The Hilo husband was deserted but recently he learned that Yamakawa was keeping the woman here and he came to town and notified the Federal authorities. Marshal Hendry arrested the pair in an alleyway off Hotel street last night and they were locked up.

Two Assessors Installed.

Treasurer Kepoikai has taken the necessary action for turning over the business of two assessors' offices to the elected and qualified county incumbents. The first is to William McDougall, assessor of the county of West Hawaii, and the second to C. A. Rice, assessor of the county of Kauai. The Treasurer was not informed of the respective amounts of bonds given, but received a certificate that the officer in each case had qualified.

Flag for Kailua.

Secretary Atkinson yesterday went out and bought a National flag and sent it by the Kinohiwa to the county of West Hawaii, for hoisting upon the county building at Kailua. This was done by direction of Governor Carter, who promptly took action in response to a request from Assessor J. K. Nahale for the glorious symbol of freedom. Mr. Nahale, in his letter to the Governor, stated that West Hawaii's county government was organized and in running order, though without any funds.

LAUKEA'S BOND IS NOT ACCEPTED BY THE BOARD

Curtis Laukea Attends the Session and Leaves It in a Bad Temper.

Curtis Laukea's temper played a comedy part at the County Supervisors' session last night during the discussion of his bond, which was afterwards rejected by the Board on the recommendation of District Attorney Rawlins.

The tax assessor-elect grew wrathful over an alleged misinterpretation of the remarks of Supervisor Mahoe made into English by R. N. Boyd, and after delivering himself of a Fourth of July oration on "honor and justice" petulantly left the hall and did not return. Laukea's exhibition was amusing in that it suggested a child who "won't play" in somebody's else back yard.

The episode occurred while Mahoe was speaking on the motion of Mr. Gilman to return the bond to Mr. Laukea together with the opinion of the District Attorney. Mr. Laukea leaned over to Judge Whiting, his attorney, and carried on a whispered conversation, nodding his head toward the interpreter.

Robert Boyd then interpreted the remarks and as he concluded, Laukea jumped to his feet exclaiming:

"Mr. Chairman, the interpreter is not quoting the speaker's remarks correctly!"

Mr. Boyd attempted to explain, but Laukea, raising his voice, said theatrically:

"I appeal to your sense of honor and justice, gentlemen. The interpreter is prejudicing my case. I appeal to any one else in this hall to affirm whether I am not right in this matter," and Curtis swept his hand over the audience. "He is not doing right by me."

"I am interpreting, not literally, but giving the gist of his remarks," returned Mr. Boyd. "Mr. Mahoe is merely repeating what he said before."

Chairman Hocking asked one or two Supervisors whether the interpretation was correct or not, but without waiting for a reply, Laukea took his hat and flounced out of the hall with the remark:

"Oh, I don't want any more of it."

Chairman Hocking called to him to remain, but the advice was unheeded and the statesman from Haleiwa "departed not to return."

DISTRICT ATTORNEY'S OPINION.

District Attorney Rawlins presented his opinion on the Laukea bond as soon as the board was called to order. "He read from pencil notes, not having had time to put the opinion in formal writing. He had hardly begun to read before the Salvation Army came down Bethel street, its band playing a religious air, which drowned out the attorney's voice. Supervisor Gilman, thinking of his horse which was tied to a post in the street below, whistled to attract the Army's attention and the band suddenly ceased its melody. Mr. Rawlins' opinion was as follows:

Honolulu, Jan. 12, 1936.

To the Honorable Board of Supervisors, County of Oahu.

Gentlemen: In answer to your oral request for an opinion as to whether the bond presented by the Hon. C. P. Laukea, County Assessor and Tax Collector-elect, is in conformity with law, I beg to make the following reply:

In passing upon the bond submitted by the several county and district officers, we are bound by Chapter 13 of Act 31 of the Session Laws of 1933, commonly known as the County Act. Section 59 of Chapter 15 requires that "every county and district officer shall, before entering upon the duties of his office, furnish a bond to the Territory of Hawaii, in the amount required by law, conditioned to faithfully perform all the duties of his office as prescribed by law, safely to keep all moneys which may come into his hands by virtue of his office; promptly to pay over to the person or persons legally authorized to receive the same, all such moneys in the manner provided by law, and to deliver over to his successor in office, all moneys held by him as such officer. Each officer (and his bondsmen and his sureties, RESPECTIVELY, shall be responsible for ALL funds which shall come into his hands by virtue of his office. On each of such bonds there shall be at least two sureties, who may be by the court, or officer, or board required to approve the bond, be examined on oath, touching their qualifications. No person shall be

surety on any such bond unless a resident and freeholder, or householder, within the Territory, and worth in real and personal property, or both, situate in the Territory, the amount of his undertaking, over and above all sums for which he is liable, exclusive of property exempt from executions and forced sale, provided, however, that nothing herein contained shall prevent any officer from giving a bond of a surety company in such manner as may be provided by law."

It is plain from the reading of the above quoted section, that the intention of the Legislature, was to make the principal and each one of his sureties responsible for all the funds which might come into the hands of the principal, and that no surety could limit his liability by qualifying in any specific amount less than that of the principal, but that he must be liable in such amount his principal.

In the bond presented the several sureties have limited their liability by declaring that they are only liable in a certain specific amount. This, in my opinion, is in direct contradiction to the plain intent of the law. None of the sureties on the bond presented have justified in the sum of \$150,000.

In conclusion I would state that, in my opinion, the bond presented by the Hon. Curtis P. Laukea does not conform to the law and is not such a bond as is required by the statute.

Respectfully submitted,

WILLIAM T. RAWLINS,

District Attorney.

Judge Whiting asked whether there were any technical errors in the bond. Mr. Rawlins replied that his opinion merely related to the validity of the document.

"I have noticed, however, that Mr. Laukea swears that he is worth so much," said Mr. Rawlins. "He is not required to do so."

Mr. Gilman moved, seconded by Lucas, that the bond be returned to Mr. Laukea, together with the opinion.

NO ARGUMENT FOR MAHOE.

Mahoe then made objection on the ground that the bond showed sufficient security and therefore, there was no need of argument in the premises.

At this juncture Laukea entered his protest.

When the smoke had cleared Mr. Gilman answered Mahoe. He said that Mahoe's contention was that these sureties might be worth millions apiece. These were not the grounds on which he, personally, made objection. Each person as surety on a bond may be well qualified to show himself worth a million of dollars. That was not the question, before the Board.

The question was whether or not the bond as submitted was legal and would hold water in case it should have to go into court. A bond must be filed, which if necessary, could be taken into a court. Mr. Gilman did not want a bond which might be thrown out of the courts when offered.

Lucas said that Mahoe was laboring under a wrong impression.

Chairman Hocking said the form of bond in the County Act was the same used by the Federal Government. In his own experience he had seen a bond rejected and sent back to Washington where it was declared void. The very points raised against the Laukea bond were the points which invalidated the Federal bond. The Federal government was generally pretty careful, and if it rejected the bond for the reason that the Supervisors proposed to reject Laukea's bond, they were following a safe precedent. He agreed that the advice of the County Attorney should be followed.

Mr. Robinson agreed with the opinion of the District Attorney.

The vote was then taken as follows: Ayes—Gilman, Lucas, Robinson, Hocking, 4.

Noes—Mahoe, Kealoha, Harvey, 3.

SUPREME COURT TEST.

After the meeting Judge Whiting for Mr. Laukea, and District Attorney Rawlins agreed to take the matter into the Supreme Court this morning on an agreed statement of facts to secure, if possible, before this afternoon, an opinion from that body, as to the validity of Mr. Rawlins' opinion.

(Continued on page 3.)

ARTILLERYMEN ON MORTAR PRACTICE

One hundred artillerymen from Camp McKinley, under command of Captain Douglas, left the post yesterday morning, and proceeded by train to Pearl City, where they debarked and marched to Waianae-uka, where they will engage in mortar and galling-gun practice for a few days.

Fifty men from each of the two companies—the 66th and 67th—were detailed for the expedition. Captain Douglas had detailed with him Lieutenants Newton and Behr. The men left camp with tent and camp equipment and rations sufficient for five days. The return to Honolulu will be made next Saturday morning, camp being broken at daylight.

Lt. Col. McLellan, commanding officer at Camp McKinley, will leave for the exercise camp today and will remain with the troops until their return.

TREASURY PAYDAY WILL BE PASSED

Next payday at the Registry of Finance, falling on Friday next, will be passed. Treasurer Kepoikai, before leaving for Maui in the steamer Claudine yesterday evening, instructed Registrar Hapala to pay no treasury warrants until after his return.

"We are limited in funds anyway," the Treasurer said in explanation to an advertiser reporter.

The next treasury payday that will be kept is Wednesday the 20th. Mr. Kepoikai expecting to return next Sunday morning.

Treasurer Kepoikai made his second official call on the Governor, since his refusal to resign the Treasury keys, yesterday to request leave of absence the rest of the week. Governor Carter received him cordially and without hesitation granted his request. The Treasurer's visit to his old home is on private business.

HAWAIIAN RANCHING

Big Figures Given for Estate of a Minor.

Daniel Nuuanu's trial for manslaughter was resumed from Friday last before Judge Robinson yesterday morning. Deputy Attorney General Peters presented in evidence several photographs of houses and surrounding objects at Puuloa, where Kaalibue is alleged to have been strangled by the hands of the defendant.

S. F. Chillingworth was entered of record as associate counsel for Nuuanu, on motion of Henry Hogan, defendant's chief counsel.

The prosecution had not rested yesterday evening.

Carl Santos, indicted for assault and battery with a deadly weapon, was released on a nolle prosequi requested by Deputy Attorney General Peters.

William Patterson's trial for assault and battery was set for 10 o'clock tomorrow.

MINOR'S LARGE ESTATE.

Alfred W. Carter, guardian of the estate of Annie T. K. Parker, a minor, has presented his fourth annual account to the Circuit Court. It shows receipts of \$78,977.99 and payments of \$71,661.95, leaving a balance of \$7,315.94 to the estate. Judge De Bolt has referred the account to F. D. Kellett, Jr., as master.

Among the larger payments is an item of \$55,250 for a 9-20 interest in the Ahupua'a of Waikoloa from Lucy K. Peabody and others. The balance from the third annual account was \$12,537.67.

The inventory of the minor's estate shows about 93,838 acres of real estate, including the proportion of Waikoloa, above mentioned; twelve leaseholds of land, all but one from the Government; loans, investments and cash on hand amounting to \$55,555.94; and a half interest, respectively, in 25,000 head cattle, 2,000 horses and all other live stock on the Parker ranch.

Parker ranch reports appended to the account show total realizations of \$149,170.32, of which \$123,882.75 was derived from sales of 3108 head of cattle. Butter was sold to the amount of 6980 pounds, bringing \$2335, or an average of 23.46 cents a pound.

The disbursements came to \$138,928.97, leaving an excess of realizations of \$11,141.35. The items of disbursements were these:

Operating expenses\$65,062.74
Permanent improvements 3,151.59
Stock purchases 3,500.00
Dividends paid during year 63,464.64

SATISFYING JUDGMENT.

The suit of Enterprise Mill Co. vs. Pacific Mill Co. had another airing before Judge De Bolt yesterday, on a motion for examination of judgment debtor. A verdict was obtained by plaintiff at last term, but when it came to collecting the judgment by execution no property could be found on which to levy. There were moneys due the defendant, however, to get which for satisfaction of the judgment was the object of this hearing.

Hatch & Ballou appeared for plaintiff; Castle & Whittington, for American-Hawaiian Construction Co., one of the garnishees; Abram Lewis, Jr., another garnishee, in person. Defendant's counsel at the trial did not appear.

The court ordered Mr. Lewis to pay to the plaintiff \$602.64 which he held in trust. The American-Hawaiian Engineering & Construction Co. was ordered to pay \$397.38 it owed to the defendant into court.

THE KANOA ESTATE.

The report of Mr. Kellett as master on the accounts of the estate of Kaloepua Kanoa, deceased, shows \$2579 on each side, as all the surplus over expenses went to the beneficiaries. The income paid to five legatees was \$1548.76, or \$309.75 to each. By the last inventory, filed in September, 1933, the estate consisted of \$31,500 value in real property and \$1600 in personality. It was recommended by the master that a new inventory be filed. This estate is that left by the widow of Paul Kanoa, who was Governor of Kauai and Finance Minister in Kalakaua's Cabinet overthrown by the revolution of 1887. The account here mentioned was approved by Judge De Bolt as previously reported.

BROWN MINORS' ESTATES.

The report of Mr. Kellett, master, on the guardianship of Francis Hyde II Brown, a minor, shows a balance of \$1469.70 for the ward from receipts of \$2633.70, the latter including the previous year's balance of \$573.70. The minor's estate is valued at \$27,181. In the same master's report on the guardianship of George H. Brown, the balance is shown as \$712.24 from receipts of \$725.55, the previous year's balance having been \$665.85. The estate is valued at \$28,533.24. Both accounts are found correct with the exception that in George H. Brown's case 25 head of cattle are said to require accounting for. Judge De Bolt approved the accounts on the hearing of the master's reports.

THE CUMMINS ESTATE.

R. W. Breckons, attorney for the beneficiaries, has filed exceptions to the supplementary report of Henry Smith, master, on the 40 shares of Waluku Sugar Co. stock left by the late Thomas Cummins, father of the late Thos. J. Cummins whose dealing with the Waluku stock is the subject of the present controversy.

THE FEDERAL COURT.

In the United States District Court yesterday, dates were set by Judge

MAY ASK FOR A MONUMENT

McKinley Memorial Fund Under Debate.

If all of the members of the Buckeye Club of Honolulu can agree on the subject that association will, in a few weeks, forward a letter to the General Committee of the McKinley Memorial Fund, asking the latter organization to canvass among the subscribers in an effort to get them to agree to divert the fund from the park scheme to that of erecting a monument in memory of President McKinley, one of the greatest of Ohioans.

Last night's meeting of the Buckeye Club was held at the Beretania avenue residence of Mr. and Mrs. J. K. Brown and was well attended. Among those present were: Dr. and Mrs. J. M. Whitney, Mr. and Mrs. W. A. Bowen, Mr. and Mrs. H. H. Williams, Rev. W. D. Westervelt, Rev. W. H. Rice, Mr. and Mrs. Wm. Graham, Mr. and Mrs. Francis W. Smith, John W. Frances, Miss Belle Johnson, Miss Ida M. Pope, Miss Albright, Miss McCracken, Mrs. E. M. Watson, Miss Anderson, Mrs. Geo. B. McClellan, Stanley Livingston, F. M. Bechtel, Charles McGonigle, Charles Frazier, Miss Jessie Frazier, Miss Skinner, Miss Dwyer, Miss Herner, Mrs. Byington, Dr. W. G. Rogers, Mrs. Annis Montague Turner, Mr. Strong, Miss Ashton, Mr. and Mrs. G. R. Calkin, Mr. and Mrs. W. E. Skinner and Will Seve.

At a previous meeting of the club a committee had been appointed to look into the question as to whether the McKinley Memorial Fund park might be dropped and a monument substituted in its stead. This committee reported as follows:

"Your special committee, appointed to investigate in regard to the McKinley Memorial Fund and report such suggestions as in their judgment seemed good, at the next meeting of the Buckeye Club, have now to report as follows:

"1. That a number of the members of the General Memorial committee have been consulted and that they feel doubtful as to the propriety of diverting the funds to a monument since the original contributions were so largely made under the condition and under the expectation of a Memorial playground park.

"2. That on account of the hard times having curtailed to some extent the amount originally expected to be collected by the General Committee, we fear, as it now stands, the park idea will never materialize into anything permanently valuable and suitable as a memorial to the name of William McKinley.

"Wherefore, in view of these circumstances, we recommend that the Buckeye Club formally address a letter to the said General Committee of the McKinley Memorial Fund, wherein it be definitely suggested that a general circular of information concerning the situation be sent out to as many as possible of the contributors, and also, that it be announced through the newspapers, inviting the subscribers to reconsider the purpose for which their contributions were made and recommending a change to building a suitable monument, suggesting an early reply from said contributors, in absence of which the General Committee may be properly regarded as at liberty to dispose of the land already bought and with the money now in hand build a memorial monument."

The association voted to accept the report but a motion was made and carried that before writing to the General Committee all the members of the Buckeye Club should be communicated with by letter and their opinion in reference to the matter secured. Should these opinions be favorable to the monument idea a later meeting of the club will draft a letter to the General Committee of the McKinley Memorial Committee. With but little debate W. A. Bowen and the Rev. W. D. Westervelt were named as a committee to send a letter to each member of the club outlining the above plans.

A large number of the members of the club seemed to feel that enough money would not be secured so that the land already purchased for a park would ever be put in very suitable shape and that it would be better to sell that land and with money now in hand put up a monument in the central part of Honolulu, probably at the junction of King, Richards and Merchant streets.

After the monument matter had been disposed of as above those present enjoyed a very good program of music. Mrs. Annis Montague Turner furnished one of the most pleasing numbers of this. Later, refreshments were served. All around the Brown home there were little groups of Buckeyes discussing all manner of events but chiefly the prospect of Mark Hanna securing the nomination for president and what they could do for Hawaii in case their new Chin idol could reach the presidential chair.

All those present complimented Mr. and Mrs. Brown for the fine evening's

From twenty to thirty claimants on the Chinese fund had their cases attended to by Secretary Atkinson yesterday. There are many applicants to the Secretary for certificates of Hawaiian birth of Chinese children, without which if they are taken to China by their parents they cannot return to the Territory.

Dole for the various trials under the big conspiracy indictment. That of the first bunch, consisting of five out of the 80 defendants, will take place on the 19th inst. The others will follow in their order.

The trial jury will again appear before Judge Dole this morning.

IAUKEA'S BOND IS NOT ACCEPTED BY THE BOARD

(Continued from Page 1)

KAILIMAI WITHDRAWS BOND.

Mr. Gilman for the committee composed of Mr. Harvey and himself reported on the Kailimai bond sureties. He stated that Mr. Kailimai agreed to withdraw the bond and to present a new one with other sureties.

MORNING SESSION.

At the morning session of the County Supervisors held at 9 a. m. Curtis Iaukea failed to show up to present his bond as Tax Assessor, through some misunderstanding.

Other matters were taken up, including a communication of W. L. Frasee, superintendent of the Government electric light station in Nuuanu, to which was appended an inventory of property handed over to him by the Superintendent of Public Works. The following letter from the Attorney General was read:

Honolulu, Jan. 8, 1904.

Gentlemen: The Rev. H. Manase has been chaplain at the Oahu prison for the last six months, under salary, provided by the Legislature, of \$25 per month.

The appropriation is dispensed with under the eighteen months' bill, and it therefore remains with the County whether he shall be reemployed at the County jail. To the best of my knowledge, the Rev. Mr. Manase has performed valuable services during his incumbency at the jail.

Yours truly,

(Signed) LORRIN ANDREWS.

The letter was placed on file.

Mr. Mahoe wanted Mr. Manase appointed as chaplain with a county salary. The chair did not think the county, but the Territory, should pay. Mr. Harvey said that once the door was opened by the Supervisors a deluge of offices would be forced upon the county, and the latter would have to foot the bills.

Mr. Harvey thought prayer a good thing and thought the Supervisors' sessions should be opened with a call upon the Almighty to bless the meetings. Mr. Lucas suggested that Mr. Harvey take upon himself this duty, and Mr. Harvey accepted the post.

The Manase matter was then considered and on a motion to appoint him as jail chaplain, the matter was voted down.

An adjournment was then taken to 2 p. m.

AFTERNOON SESSION.

The bond of Curtis Iaukea was brought up at the opening of the afternoon session, Judge Whiting presenting it in person. Mr. Iaukea was also present, and the audience chamber was filled with spectators. Chairman Hooking gave Judge Whiting an opportunity to make whatever explanation regarding the bond he desired. The latter, handing the bond to the chairman, said:

"We have a bond here of which I informed you yesterday. It has a stamp on it as required by law, and if there is any informality in the bond I would like to be told of it, and I would like to know if it can be cured."

"I have, however, to record a change in regard to the bond. That is in the case of Dr. McGrew, who had signed himself on the bond for \$10,000. He thought his name was sufficient without his swearing he had any property. He has, therefore, not qualified on this bond. There are, however, bondsmen as surety for \$300,000, with \$150,000 as principal. The others have qualified. Without going into details it would be better for me to say that Dr. McGrew has not qualified. Mrs. Parker has gone on the bond for \$25,000 instead of \$15,000. It is now a question as to whether the bond is in legal form, ready for approval."

Mr. Gilman moved that the bond be submitted to the District Attorney for an opinion as to whether the bond was in proper legal form, the opinion to be in writing. This was seconded. Kealohe was of the opinion the bond of Iaukea should go through the same form as the others already passed upon.

The chair stated that the Iaukea bond was more complicated than any of the others. The others had, in many cases, been taken up by the surety companies. He demanded an opinion from the District Attorney on the instant. In response to the chair's statement that Iaukea's bond was different, Kealohe asserted that it was similar. The chair again stated that no such bond had yet been before the Board. The others had been for the full amount of the bond, that of Iaukea called for individual amounts, as he understood it.

Mahee was of the same mind as Kealohe. He also demanded that the District Attorney make immediate reply on the bond. He put his suggestion in the form of a motion. He said that the bond was thoroughly understood. The Tax Collector (Iaukea) had a lot of business to attend to, and there were lots of people waiting to get married, but could not because the Tax Assessor had not qualified.

Mr. Gilman replied that it was only fair and in justice to Mr. Iaukea, as well as to the District Attorney, that the latter be given a fair amount of time in which to prepare an opinion. There were subjects brought up at the meeting over the bond which had not before developed. If an off-hand opinion were given it might even work to the disadvantage of the Assessor.

The District Attorney arose and said he could not understand why he should be forced to take immediate action. If he should have a haphazard opinion as to its validity, and if subsequently Mr. Iaukea made an error in the official conduct of his office, and the Supervisors proceeded to sue on the bond, there was no telling what might happen. He put the matter squarely before the two objecting members asking them if they realized the gravity of the situation, in case nothing could be obtained from the sureties on the bond.

Mr. Rawlins stated that Mr. Iaukea had been at it for eight days before presenting his bond, and under these

circumstances he thought it only fair and square that he be given time.

Frank Harvey said the eight days had been taken up by Iaukea in obtaining his sureties. However, as he had obtained the names and the bond was before the Board he thought it a good idea for the District Attorney to render an opinion on the instant. If he decided adversely it would give Mr. Iaukea an opportunity to procure other sureties to present before the Board today.

On Mr. Rawlins promising that he could render an opinion by 8 o'clock last evening, the matter was put to a vote and carried on that understanding.

OTHER BONDS APPROVED.

The bond of Mr. Kaili, district magistrate for Waiwala, for \$1,000 was accepted.

The bond of George W. Nawaakoa, road supervisor for Ewa, for \$1,000, with A. G. M. Robertson and S. M. Dwight as sureties, was accepted.

The bond of W. H. Kailimai, keeper of the fishmarket, for \$1,000, was presented. One of the sureties was John E. Bush. After some discussion, it was voted to have a committee, consisting of Messrs. Gilman and Harvey, appointed by the chair, to investigate Mr. Bush's property responsibility.

GUARDSMEN WANT WORK.

A communication from a long list of members of Company H, 1st Regiment, National Guard of Hawaii, was read, in which the signers asked for work in the Road Department. They said they had had nothing to do for several months. They stated they had supported the Republican party in the last campaign and would stay by the party through thick and thin and do everything in their power to return the obligation.

The communication was referred to Road Supervisor Vida.

LINDSAY TOOK OATH.

Police Magistrate Lindsay appeared before the Board to announce that in response to a request from that body he had again taken oath as magistrate before the Chief Justice.

MR. EMMELUTH IS FOR EXTRA SESSION

Honolulu, Jan. 13, 1904.

Editor Advertiser: The county bill that was, is not, and the question arises, "What are we going to do about it?"

Immediately after the general election in 1900 the Home Rule Executive Committee proposed, in the public interest, that the several parties represented in the campaign just closed, should appoint members of a committee to draft a county bill for presentation to the legislature.

Their kind intentions were at that time ignored, from motives which it is unnecessary now to discuss, but is it not time, in that same "public interest," to determine the best means of meeting the requirements of the situation and to honestly face the conditions brought about by the annexation of these islands to the United States?

In the States and Territories of the Union "county" government is an expensive as well as simple means of formulating and administering laws for the governance of those residing in the county.

The poorest man, having the qualifications to command him to the electorate, is on an equal footing with his wealthier brother in seeking office. "Bonds" are given by those actually handling cash, provision is made for malfeasance in office and its punishment and that is all the check required on the remaining officers.

The course that appeals to me as the most consistent to be pursued, is for the Governor to call the legislature in extra session for the purpose of making Territorial appropriations covering the remainder of the biennial period and also to frame and pass a law providing for the election of a commission from the several representative districts in ratio to their representation, the election to take place within sixty days after passage of the act and the commission to frame a county government bill together with a set of amendments to our present law to make same conform thereto, for presentation to the next legislature.

I see by the evening papers that the Governor is in favor of a commission but of only three members and they to be appointed. I doubt if the Governor has the right to make such appointments in the absence of legislation to that end.

Any partisan commission would mean another appeal to prejudice at the ballot box next November. It is about up to the voters of this Territory to determine what is best for them and it is the duty of the Governor and Legislature to pave the way for the opportunity by creating an elective commission.

For County Government.

JOHN EMMELUTH.

Irish Nationalist Here.

P. O'Brien, an Irish Nationalist of Brooklyn, prominently identified with Republican politics in that city, arrived at the Siberia yesterday and registered at the Young Hotel. Mr. O'Brien is one of the leaders of the Irish element of the Republican party in Brooklyn, and assisted largely in the campaign which elected Roosevelt governor of New York.

Mr. O'Brien participated in the Fenian raid on Canada in 1870. He has written several poems, among them being "Roosevelt's Charge at San Juan Hill," "The Battleship Maine," and "Dewey, the Hero."

KOHALA WATER LICENSE AS FINALLY REVISED

The Licensee Must Pay Minimum Annual Tribute of \$3000--Protection of Homesteaders and Small Consumers.

Governor Carter yesterday passed upon the final draft of the Kohala water license, made by Attorney General Andrews after consultation with him. An abstract of the document is herewith given. Portions closely affecting public interests in the distribution of the water are printed in full, while the technical details of terms and conditions are condensed.

ABSTRACT OF LICENSE.

Whereas the surface waters that are now running to waste from the mountain watersheds in the District of Kohala, on the Island of Hawaii, can be used to the advantage and benefit of the residents of that District, and of the Territory of Hawaii, if diverted from their natural channels, for domestic, homestead, agricultural and other purposes, and such diversion and increased use of these waters cannot fail to increase the prosperity of the people residing there, as well as the wealth of the island through a greater value for its lands, and a larger output from its soil, the productiveness of which is the mainstay of this Territory.

Following the preamble is the granting clause, wherein James W. Pratt, Commissioner of Public Lands, in consideration of the premises and of \$500, does grant unto the party who obtains the license, for the term of fifty years, "all the running natural surface water" upon and over all the Government lands on the Island of Hawaii, bounded as follows:

Boundary.—Bounded on the north by the sea, on the east by Waipio Valley, on the south by Waipio Valley, and the boundary line between the lands of Laupahoehoe I and II, Nakoaka, Apua, Waikapu and Honopu on one side, and the lands of Puukapu and Kawaihae I, on the other side, until such boundary line reaches an elevation of 4,200 feet, from which point the contour line of 4,200 feet elevation shall form the balance of the boundary of the south, and on the west by the lands of Honokane and the private lands of Awhi, the whole of such area being hereafter called the Kohala Watershed.

Objects.—The licensee is authorized to sell such water for "domestic uses, irrigation, and other purposes," and to construct the necessary works for carrying the water across Government lands.

Construction.—The licensee is to construct its works so as to deliver water to consumers upon the following lands:

1st. For domestic and agricultural purposes at any point between the land of Honokane Iki and the Western boundary of Hawaii, within two years of the date of this license.

2nd. Shall deliver water to all consumers for any purpose whatsoever, within a period of three years from the date of this license, at any point within the District of Honokane Iki and Laupahoehoe, II.

3rd. Within a period of four years from the date of this license will complete the construction of its lines and deliver water to all consumers between the District of Honokane Iki and Waikapu, and between the Western boundary of Hawaii and the land of Kawaihae I.

That any failure by the said licensee to complete any of these lines within the specified time shall act as a forfeiture of all right of said licensee to further extensions along the line where such failure occurs.

Dealing in Lands.—The licensee agrees that it will not buy, sell, lease or otherwise deal in real estate, beyond the direct necessities of its business under the license, upon penalty of forfeiture of the license.

Compensation and Taxes.—A fee of \$500 is to be paid on the issuance of the license and on the corresponding date of each year thereafter an additional fee of \$500. In addition to such annual fee of \$500 the licensee agrees to pay each and every year a percentage (at present left blank) of all the gross revenues received by the licensee, "from all sources whatsoever," but in no event, after the expiration of two years from the date of the license, shall the percentage received by the Territory be less than \$2500 during each and every year, regardless of whether such \$2500 is in excess of the percentage agreed upon or not.

And during the term of the license the licensee shall also pay all taxes, of whatever kind or nature, assessed by the Territory or any subdivision thereof, upon the lands and properties of the licensee; and nothing stated, expressed or implied in the license shall be deemed to exempt the licensee from the payment of such taxes; and any failure on the part of the licensee to comply with the terms of this section shall act as an immediate forfeiture of the license.

Accounts.—Annual accounts of the affairs of the licensee are to be rendered not later than February 15, such accounts to be sworn and classified, showing the actual cash received as well as disbursements. The Auditor or such officer as the Governor may designate is to have free access to the books of the licensee at all times.

Materials.—The licensee is given the privilege of using all earth, rock and timber upon the lands in question, necessary to the construction, maintenance and repair of its works.

Vested Rights.—All rights and privileges herein granted to the licensee are, and must be, subject to existing vested

rights of private parties in all such waters, and to the rights of the United States therein.

Plans and Surveys.—All plans and surveys must be submitted to and approved by the Superintendent of Public Works and the Commissioner of Public Lands, or such other officer as the Governor may direct, before the construction shall be commenced by the licensee.

No Exclusive Right.—This license shall not be construed to confer any exclusive right in the waters of the said Kohala Watershed to the licensee, but the licensee shall have a right, under this instrument, for the period herein granted, only in so much of said waters as he or they shall be the first one to appropriate and use for the beneficial purposes herein set forth, and for no other. It shall not in any way attempt to develop water in said Kohala Watershed by means of drains, ditches or tunnels, but the licensee's rights are strictly limited to the surface water flowing in the natural waterways, and the confining, conveying, and the use of the same as herein set forth.

Delivery of Water.—The licensee shall furnish water to all consumers demanding the same from the ditches, flumes, reservoirs and tunnels constructed for the conservation or conveyance of said water, giving preference first, to private parties, for domestic purposes and uses, second to homesteaders for agricultural purposes and third for agricultural purposes in general.

Further Delivery of Water.—In furnishing water to all consumers, for domestic, agricultural or other purposes, the licensee shall deliver such water at such points of the ditches, flumes and tunnels as shall be reasonably convenient to such consumers. Should any case of dispute arise between said licensee and consumer as to the point of delivery, the same shall be settled by arbitration, as hereinafter provided.

Charges for Water.—For all water supplied to consumers for domestic uses and purposes, a uniform rate of charge shall be maintained. Such rate shall be fixed by the licensee with the approval of the Commissioner of Lands at the date of the license, and revised and redetermined by the same parties at the expiration of each five years from the date of the license until its final determination.

Homesteaders are to be charged "as low a rate as is charged to any other consumer for agricultural purposes."

Homesteaders.—The word "homesteaders," as used in the license, shall mean all persons, or their heirs and assigns, holding from the Government of either the Territory or the United States; or from special agreements of sale under the Land Act of 1895 and its amendments; or from kuleanas held under Land Commission Awards or Patents.

Other Applicants.—All other applicants for water, who are in possession of lands conveniently accessible to water from the ditches, flumes, pipes, tunnels or reservoirs built and constructed by the licensee, shall be equitably supplied at reasonable rates.

Protection of Forests.—The licensee must build fences wherever deemed necessary by the Commissioner of Lands or other officer designated by the Governor, to protect the forests from cattle or other animals, and shall make all reasonable efforts to prevent and extinguish all forest or brush fires within the Kohala watershed.

Insufficient Supply.—If the licensee shall, at any time during the continuance of this license, be unable to supply all its consumers with the full amount of water required by them, because of insufficiency of water under its control, then such water as shall at such time be under the control of the licensee, shall be, by arbitration, apportioned equitably among the various consumers, so long as such insufficiency of water shall continue.

Officials.—Changes of names of officials, through change of government, shall not affect the license.

Ownership of Water.—The licensee hereby admits the ownership of all water mentioned in this license to be in the Territory of Hawaii, and agrees that no rights shall accrue to the licensee through the use of the said waters by way of prescription, beneficial use or otherwise after the termination of this license.

Acceptance of License.—The license is to be accepted by endorsement of the licensee and the payment of the first annual fee of \$500.

Payments.—All payments of moneys due to the Territory shall be made to the Commissioner of Public Lands.

Weirs.—The licensee must construct measuring weirs in all its ditches, so as to measure the water from public lands in distinction from water obtained from private sources.

Bridges and Fences.—The licensee must construct bridges across its ditches intersecting public roads and fences wherever required by the Commissioner of Lands. If this is neglected the Commissioner may do the work at the expense of the licensee, to be immediately paid to the Territory.

Repairs and Additions.—The Commissioner of Lands may require the licensee, at its own expense, to make such repairs and additions as may in his judgment be necessary to prevent injury to life, or damage to public or private lands.

If not done by the licensee, the Commissioner may make such repairs and additions at the licensee's expense, payable on demand.

Surrender of License.—At the end of

NOT MUCH WAS DONE

At Meeting of Board of Agriculture and Forestry.

The Board of Agriculture and Forestry held its weekly meeting in the Representatives hall of the Capitol yesterday afternoon. With L. A. Thurston, president, there were present W. M. Giffard, J. F. Brown, A. W. Carter and C. S. Holloway, secretary and executive officer, of the Board, and A. F. Judd, secretary of the Hawaiian Stock Breeders' Association.

Mr. Carter reported from the committee on seeds that the list had been completed and the orders would be forwarded by the outgoing mail. Mr. Giffard would order some from an East India firm, while he would order from Australia. Both would order on their own credits and when the seeds came make out their bills to the Board. It was mentioned that the allowance for this purpose was \$150.

The president made a statement about the cost of trees at the nursery, from information given to him by Mr. Austin, gardener. It came to about 3 1-8 cents apiece for propagation and if the expenses of the nursery were added the cost would be 4 cents.

Mr. Holloway read a letter from August Knudsen referring to forest seeds he had imported for Mr. Austin and which he was donating to the Board. He returned thanks for vegetable seeds received.

On motion of Mr. Giffard it was directed that a letter of thanks be sent to Mr. Knudsen.

Mr. Holloway stated that Warden Wm. Henry, who had been at Thomas square with a gang of prisoners, had reported a black blight on the trees there. The executive officer asked if the Board would advise the use of the fumigating apparatus to eradicate the pest.

On the suggestion of the president, the matter was referred to the committee on entomology.

Mr. Carter was granted further time for the committee on transportation to report.

President Thurston recommended that the committee on regulations be instructed to prepare a new rule, providing in effect that if the entomological department, at any time, does not see fit to admit imported plants the entomologist shall file a report giving his reason for refusing to admit the plants. He explained that, for the avoidance of misunderstandings, there should be a written statement.

A motion was made and carried to carry out the recommendation.

Mr. Holloway reported letters from Jared G. Smith, Director of the Federal Experiment Station, regarding appropriations. They were referred to the finance committee without being read.

The Board then went into executive session.

Judge Dickey, the Sunny Jim of the Judiciary, held on to his commission to good purpose. Observe "the smile that won't come off."

Murders, robberies and the like on Kauai are nothing unusual. With a whiskey ring, a gambling ring, a corrupt police force and all sorts of dev-

50 years all the rights acquired and improvements made by the licensee shall be surrendered to the Government of the Territory.

At any time after ten years from date of execution of license, the Territory is empowered to take over the entire works on payment of cost of construction with the addition of percentages, thus: before the end of 15 years, 25 per cent; after 15 years, 20 per cent; after 25 years, 15 per cent; after 35 years, 10 per cent.

Forfeiture of License.—This license shall be forfeited if, at any time, any of its terms, conditions, provisions or stipulations, as set forth herein, are not complied with by the holder of said license.

Arbitration.—In case of disputes, the Commissioner may appoint one arbitrator, the licensee another and these two a third. On the failure of either of the principals to name an arbitrator within ten days after the other has requested arbitration, the Chief Justice or any Justice of the Supreme Court may, on application to him, appoint the second arbitrator. The same relief is given where the first two, in either of the foregoing cases, fail to agree on the third arbitrator.

A decision by any two of the arbitrators shall be final and binding upon all parties concerned. All expenses of arbitration shall be paid by the licensee.

Sale of License.—This license for taking water from the Kohala Watershed, and the delivery and sale of the same and all power developed therefrom, under the stipulations and conditions substantially set forth in the foregoing license, will be offered at Public Auction, at Honolulu, after due advertisement, and may be granted to the bidder of the highest rate of per cent on the gross revenues of the licensee, as herein set forth, the upset price of which shall be twelve and one-half (12 1/2) per cent, to be paid annually to the Government of the Territory of Hawaii, in addition to the annual fee of Five Hundred (\$500) Dollars as here-

BLOWN UP BY DYNAMITE

Murder Reported From Garden Isle.

Arthur Glennan, in charge of the Makawell ditch on Kauai, was murdered last Friday night by Japanese, two of whom, believed to have a knowledge of the matter, being now under arrest. The crime was most dastardly. A stick of dynamite was placed under the bed in Glennan's tent and a fuse attached which was ignited from the outside presumably from a cigarette. H. C. Smalley, Glennan's assistant, the only white man in the vicinity, was led off after his horse which had been stolen away, and the telephone wires leading to the camp had also been cut just prior to the commission of the crime.

The full particulars of the crime were sent in a private letter to Mrs. Dr. W. G. Rogers from her brother, H. C. Smalley, who with Glennan was in charge of the work, and who was the first man at his side after the tragedy.

B. B. O'Shaughnessy, the engineer in charge of the work, arrived on the Siberia yesterday only to hear of the crime. He was much grieved over the news as Mr. Glennan was one of his most valuable assistants.

"Mr. Glennan was first employed in the survey of the canyon at the Makawell river," said Mr. O'Shaughnessy, "which was very dangerous work and which four or five white men had already vacated. He was a thoroughly good and reliable man, and was promoted until he got charge of this extension. He was also of good habits and character, and his death will be a heavy blow to his father and mother at Redwood City, California. He was 32 years of age and unmarried."

Engineer O'Shaughnessy denies the statement, appearing in the Bulletin, that he had predicted the death of Mr. Glennan before the completion of the work on which the latter was engaged. Mr. O'Shaughnessy states that he has never said anything of the sort and objects to being put in a false position in regard to an event he had no reason to anticipate and which he has every occasion to deplore.

Mr. O'Shaughnessy further states that Glennan's principal trouble was in keeping rascally Japanese gamblers and worse from the camp and had thus incurred their enmity. These Japs, Mr. O'Shaughnessy says, are a different class from the ordinary plantation Japs, and are vagabonds in many instances.

THE DETAILED STORY.

The following is the account written by Mr. Smalley of the murder and the events following it:

"On last Friday evening Mr. Glennan was most foully murdered while in bed asleep by being blown up by dynamite, placed under his bed and ignited by a fuse leading to it from the outside of the tent. The result was horrible in the extreme. He was thrown to the other side of the tent, which was a total wreck. His left thigh was crushed and he was otherwise mangled. I arrived in about three or four minutes from an adjoining camp where I had gone to give orders for the next day's work, and carried him from the burning tent, when the cook helped carry him to my room. I then sent the Japs to put out the fire and save the valuable records. They were afraid of further explosions from explosives known or suspected to have been left in the burning tent, so I left him for a few minutes until the fire had been extinguished and I could thus reach the telephone to summon help.

"I could get no answer by phone, and as he was unconscious and his plight was desperate, and the five Japs refused to make the trip, being panic-stricken, I rode the two miles to the tool house telephone, to get the doctor. He told me to bring him to Waimae if he still lived and I got the head luma to send a spring-wagon to the trail he would be carried out by. I made the round trip of four miles of dangerous trail in forty minutes, but he breathed his last just as I returned, having never fully regained consciousness. When I first picked him up, he said, 'Where am I?' and to the best of my belief was almost rational at that moment. I remained there until daylight when I had a litter made and the remains carried out to the wagon road and taken by wagon to Makawell."

"I found that morning that the telephone line had been broken about 300 yards from the tent. It showed signs of having been tampered with, and as I had used the line at 8:15 p. m. and Mrs. Omsted had tried to ring me at 8:30 and Mr. Baldwin had tried to get Glennan at 9 p. m., the explosion taking place at 9:30, there seems to me to be conclusive proof that it was cut between 8:15 and 9, even granting that Mrs. O's ring was all right, but not noticed by Glennan."

"My horse mysteriously disappeared from Camp 36 while I was there, so I had to walk home after having men out for about fifteen minutes hunting for him, otherwise I would have been at home when it happened."

"I tried all night to hit upon some theory which would hold water and explain the cause of explosion, disregarding the suspicion of foul play. We had received a tin of oil a few days before and I thought it might have been placed under the tent for safe-keeping and the place set on fire by Mr. G. overturning a lamp which he usually burned at night, but I found the oil unburned in another place. I had a number of theories, but when morning came and I found the fuse and other damning proofs of the diabolical cunning which had been displayed, I could no longer doubt that which I had feared. I set trustworthily

(Continued on Page 1)

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

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"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

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School for Sugar Industry

SCHOOL FOR SUGAR INDUSTRY AT BRUNSWICK. Established 1872; Subsidized by the Government; Enlarged 1876.—Frequented hitherto by 1223 persons. Commencement of the preparatory course, February 12, of the Principal course, March 1, 1904.

The Direction: PROF. DR. FRÜHLING and DR. A. RÜSSING

PUBLIC OPINION IS AGAINST EXTRA SESSION

(Continued from page 1.)
culty of obtaining credit in the unsettled state of affairs.

If a special session is called the legislature will be at liberty to act as it pleases and introduce bills of every variety, not to mention innumerable resolutions which some legislators are already said to be preparing, for instance a vote of want of confidence in the Supreme Court, and a few choice ones relative to the Governor and Kepoika.

Home Rulers who were talked with yesterday say they are willing to bind themselves to pass the county bill and go home when that is done.

W. O. Smith, chairman of the Republican Commission which framed the County Act, said it was a good time now "to stop and think." As the speediest remedy he suggested an immediate appeal to Congress, which he considered the surest method of settling the present difficulty. He did not believe the Supreme Court having held the County Act invalid in two different decisions, that the legislature could pass a bill that would stand the test of the courts in view of the limitations of the Organic Act.

Chairman Crabbe, of the Republican Executive Committee, said the committee would meet with the Governor this morning. He thought that it would require at least sixty days for the legislature to pass a new bill.

Curtis Iaukea, chairman of the Home Rule Committee, said the committee was to hold its regular weekly meeting this afternoon at which the question would probably come up. He said that the committee passed a resolution condemning the Hatch mission, but had afterwards reconsidered it, and was willing to have the County Act endorsed by Congress.

Representative Andrade was of the opinion that anything would be better than a special session of the Legislature.

Representative Jonah Kumalea, former Republican leader in the House, now a Home Ruler, said a special session should be called and the members bound to take up only the county bill or the appropriation bills, for which the Governor would call them. He said he would sign such an agreement. "It

seems as if we are children and can't pass a county bill," said Kumalea. "Haoles and kanaka try it, no can do it, now let Japanese and Pake do it," said a native policeman who was standing near by.

Representative Harris favored an agreement to deal only with county legislation before a special session should be called.

Representative Aylett thought that the twenty-three Republicans would bind themselves to pass a County bill and then quit. He did not believe the old appropriations could be made to do duty. The idea of a special session with a written agreement to consider only the County bill seems to have been quite generally discussed among the members of the Legislature.

Senator Brown intends to leave this morning on the Siberia for Japan so the benefit of his counsel will be lost to the Senate. He is the only lawyer in the upper house.

It seems to be the general opinion that if a special session is called and a new law passed, a new election will be necessary. Another view is that the legislature can validate the election already held under the County Act.

The collection of taxes is not interfered with, provided officers can be obtained who will carry out the law with their salaries a matter of uncertainty. It is said that Treasurer Kepoika is considering the appointment of Curtis Iaukea as tax assessor to fill the vacancy in the Oahu office.

The merchandise tax is pau, which will save the Merchants' Association the necessity of testing it. Other licenses are also knocked out. The income tax exemption is lowered again to \$1,000 instead of raised to \$1800 as provided in the County Act. Taxes will be collected once a year instead of in June and November as provided in the County Act.

The Territorial Board of Institutions was long ago knocked out and with the Supervisors out of existence the Superintendent of Public Works again assumes his old duties.

Judge Dickey again becomes first judge and Judge Lindsay will take his old place. Vida will no longer be able to hold office as road supervisor, as it is an office of the Territory and he is a member of the Legislature cannot hold the job.

The famous back clause which it was believed would involve Hawaii in trouble with Japan is also a thing of the past.

WHY TOURISTS DO NOT VISIT HAWAII

In view of the unusual scarcity of tourists for this time of year—a state of things which Captain Houdlette of the Sierra says is unprecedented—Col. Macfarlane has written a letter of inquiry to the agent at Los Angeles of various local hotels and the inter-island steamship lines. Following are extracts from this communication:

"If you have any suggestions to offer at any time with regard to pushing forward the work of promotion, we shall always be pleased to consider same. You are located right on the spot where the business of attracting tourists has been carried to a very successful issue, and you should therefore be in a position to know how the thing was done there, and what methods were found effective. The stream of wealthy tourists which goes out from all populous centers in the United States seeking where they may be entertained to their liking is an ever-increasing one, and the opinion of the writer is that they go for the most part, just where they are influenced to go. We have attractions here which certainly compare favorably with those of most of the tourist resorts, and yet these crowds of people do not come to us in any numbers. They seem to prefer other places. Can you explain it? How did Los Angeles manage to carry out the work of promotion so effectively? Are your people adopting the same methods which we adopted, or are we outdating

CHANGE IN THE SHERIFFS

Deputy Sheriff Chillingworth may go to Maui today to take over the Sheriff's office. Sheriff Andrews took possession of the Hilo police office immediately upon receipt of the High Sheriff's telegram, and Sheriff Coney was already in charge on Kauai as county sheriff. Trouble is expected with Sheriff "Oily Bill" White on Maui and Deputy Chillingworth thinks that it will be necessary for him to go over on the steamer today to help Sheriff Baldwin get possession.

Anything which they deemed essential. It is urged by some that the steamer fares are too high and the means of transit too infrequent. No doubt it would help us if rates were reduced and greater regularity of service established. These are things which weigh with a certain class, but not with all, as there are crowds going past us to Japan every year, and the various resorts in the Orient are thronged. What we want to do is to ascertain the reasons why these islands are not attracting the tourist class, and if we have not begun to apply the proper remedy, to find it and apply it without delay. We should be glad to have your ideas on this subject, as well as some expression of opinion as to whether you think our promotion committee are going to work the right way."

THE COUNTY ACT IS KNOCKED OUT.

(Continued from page 1.)

the Territorial Board of Public Institutions and provide for a transfer of powers and duties from the Minister of the Interior—not to go into the question whether the subject of a Territorial penitentiary itself could properly be included in the Act or how far the matters of prisons, criminal procedure, sentences, etc., in general might be affected by the failure of the provisions in question; or because they purport to alter laws that cannot be altered at all by the Territorial Legislature, the power to alter which is reserved exclusively to Congress by the Organic Act (as, for instance, Sections 171-172, 450-451, relating to the settlement of boundaries and the returns, canvass and certificates of election in the case of Territorial Senators and Representatives—not to consider whether the latter subject could properly be included in a county act at all); or because they violate provisions of the Organic Act or other Acts of Congress relating to the Territories prohibiting special legislation in regard to counties, as, for instance, the proviso of Section 1 relating to the County of Kalawao, and Section 14 relating to the Supervisors of the County of Oahu.

But we will assume for the purposes of this case either that all such provisions are valid and effective, except so far as held otherwise in the cases above mentioned, or else, that, if invalid or ineffective, they may, important though some of them are, all fall without causing the Act as a whole to fall.

There is, however, one subject that, in our opinion, is improperly included in the Act, without the provisions in regard to which it cannot be presumed that the Legislature would have passed the rest of the Act. That is the subject of Territorial taxation—the very means upon which the Territorial government depends for its life. We will assume that the Territorial Board of Equalization might properly be constituted as it is in terms by this Act, notwithstanding the provisions of Section 80 of the Organic Act. Still the subject of Territorial taxation is one that, like the subject of the Territorial Board of Public Institutions, cannot be included in the Act in view of the provisions of Section 45 of the Organic Act relating to titles of laws.

The Act makes radical changes in the system of Territorial taxation. It may almost be said to provide a new system. Among other things, it provides for the equalization of valuations of real property among the several counties, as far as regards the Territorial tax, by a purely Territorial Board. This board also is required to determine the rate of the Territorial tax upon both real and personal property, and in case of its failure to do so, the rate is fixed at five mills on the dollar. Sections 186, 221, 222.

The Act is entitled "An Act Providing for the Organization and Government of Counties and Districts, and the Management and Control of Public Works and Public Institutions therein." An Act relating to taxation or to county government could properly cover county government, or an act relating to Territorial taxation could properly cover county taxation might be a question, although under an act which according to its title related to state and county revenues, but which contained a section on municipal revenues, the Supreme Court of Tennessee held not only that section but the entire act void. See *Bugher vs. Prescott*, 23 Fed. 20. But an act relating to county taxation or county government could not cover Territorial taxation. No doubt a number of provisions in this Act could be sustained, not as parts of the Territorial system of taxation but as incidental to county government, although they relate more or less to what were previously parts of the Territorial system of taxation. An act relating to counties created in a fully organized Territory with a centralized government would naturally and probably necessarily contain some such provisions. Lines of demarcation and transfers would have to be made and this could be done by inclusion, exclusion, amendment or repeal so far as necessary for the purposes of providing for the organization and government of counties. But this Act goes much further than this. It provides for most important changes in the system of Territorial taxation, and that, too, with nothing in the title of the Act to indicate this.

What is the result? The provisions relating to county and Territorial taxation, covering nearly a fourth of the entire Act, are interwoven, and were intended to be parts of a general scheme. If the part relating to county taxation would have to fall with the part relating to Territorial taxation, the counties themselves would be without the greater portion of their contemplated means of subsistence and the entire act would necessarily fall. If the part relating to Territorial taxation could be separated from the part relating to county taxation, then, if the rest of the Act could stand, it would be only on the theory that, as to Territorial taxation, previously existing laws would remain in force. There would then be two systems of taxation, each complete in itself, with two sets of officers and other machinery from top to bottom, with double expenses, two returns, assessments, etc., to be made in the case of each tax-payer, the possibility of two valuations by different assessors or boards and two appeals, etc., in each instance, etc., etc. The Territory would also have to collect most of the taxes as fixed by previous laws, sufficient perhaps to support the entire government as it was previously, notwithstanding that the greater part of the expense were to be hereafter borne by the counties. The counties would also have to collect the rate which this Act purports to authorize. The people would then be taxed much more heavily than was contemplated or is necessary. In view of the extent to which the intention of the Legislature would be frustrated and inconvenience and hardship would result in case the rest of the Act were allowed to stand without the part relating to new features in Territorial taxation, it cannot be supposed that the Legislature would have passed the rest of the Act in

its present shape. For the court to sustain the rest of the Act under the circumstances would be to assume legislative power.

We fully realize that, as we have held in the past, the organic provision relating to titles of laws should be liberally construed, and the court should sustain an act of the Legislature, if possible. But the superior law must control in a clear case of conflict. The court cannot, nor can a large majority any more than a small majority of the Legislature, override the organic law, however, much any particular law or form of law may be desired.

In our opinion the Act in question is void, the respondents are not entitled to the offices which they claim, the decree appealed from is reversed and an appropriate decree in conformity with this opinion may be entered in this court.

J. A. Matthewman and C. R. Hemenway, for the petitioner.

Kinney, McClanahan & Cooper and S. H. Derby, counsel in another case, argued, on the same side, by permission.

A. S. Hartwell, for the respondents.

DEFECTS OF THE COUNTY SYSTEM

Editor Advertiser: Perhaps the decision of the Supreme Court which killed the County Act may prove after all an undisguised blessing. Certainly a very large number of persons so regard it today. It must be a surprise to those who thought the Territory launched on an ocean of universal approval into county government, to hear the comments of nearly all, on the matter. It is safe to say that four-fifths heartily approve of the final result of the work done by the court. Many of these favored the new departure when it was proposed. It may be, as claimed, that a very large majority of voters were in favor of tacking another government to what we have. But the discussions in the Legislature, in the papers and, on the streets, have opened many eyes and favor has been succeeded by doubt, doubt by apprehension and opposition.

A recent visit to Kona and Kohala developed the fact that country voters too, have been watching the progress of events. Many who openly declared for the county, who possibly could not give any good reasons, except that it is in the line of advance and Americanism, are now with equal openness ranged in opposition. One very intelligent man declared that in another election voters would require pledges from candidates against the county, or they would not get votes. He is not a sugar planter or large land owner, either.

The discussions have been a campaign of education and the results are largely against the county. It is probably not true, as stated by one speaker at the meeting this morning, that the county plank was placed in the platforms of both parties in obedience to an overwhelming demand from the people. It was placed there because of an overwhelming demand by the politicians and they are not necessarily the people. Whether any party will be wiped out that, in the next election, declared against the county, remains to be seen. At present it seems likely that the next election will be carried by the Hawaiian as against the white man; if the actions of such native Republicans as Iaukea and Kumalea are any criterion.

Generally the politician is a pretty shrewd observer and actor. He seeks to turn public prejudices and feelings to his advantage by careful manipulation. In 1900 the convention in Philadelphia was compelled to yield to popular demand in favor of Roosevelt. So they nominated him, against their wishes, but with much acclamation, to be Vice President. The writer heard several of them remark, that it was safer. He would be harmless in that position, and in 1904 he could be laid aside because he had been honored by the party in 1900 and his claims thus satisfied. Now they are putting forward the name of Hanna to test popular feeling at a time when many are very sore over the far reaching conclusions of the postal frauds investigations, and the large conservative element is shaken by something wrong, as they imagine, in the Panama affair.

In the same way our popular pulse has been tested about county government and it is safe to say that a very large number of our voters, probably all of the conservative thinkers, those who know something of history, now believe that the time has not yet arrived to try this new system in Hawaii. Iaukea is evidently not willing to trust the matter again to our voters, but would place it in Congress where ignorance and perhaps indifference as to our peculiar conditions are the rule, and where a vote in favor of what appears democratic and popular is almost certain. This is especially true and most likely to happen when we must pay the piper and not the constituents of the Congressmen who vote. Witness the amendments in favor of universal suffrage, prohibition and other untried and doubtful experiments which were tacked on to the Territorial Act, on its second reading. Have we any assurance that the same thing will not occur when Congress legislates for our country?

Nations and institutions are of slow labor and growth. It took centuries to develop the present forms of Anglo-Saxon government. The United States presents the most artificial of all forms. It has taken many years, not unaccompanied by bitter struggles, to place them where they are. Shall we transplant to Hawaii without first preparing the soil? It is safe to say that a majority of our 12,000 voters are totally unfitted for this. Let us go slow, with the end in view of gradually accommodating ourselves to the changed conditions and then adopt the forms as we have accepted the fact of democratic government.

W. R. CASTLE.

BOTTLED SUNSHINE.

Scott's Emulsion brings sunshine to the entire system of the consumptive.

All life is sunshine. The sun pouring its rays into the plant combines earth, water and air into new plant tissue. Sunshine stored up in the plant is its life.

The animal changes plant tissue into animal tissue, changes the stored up sunshine of plant life into animal life.

Fat contains more stored up sunshine than any other form of animal tissue. This is why Scott's Emulsion of pure cod liver oil is literally bottled sunshine, full of rich nourishment and new life for the consumptive.

We'll send you a sample free upon request.

SCOTT & BOWNE, 409 Pearl Street, New York

ATKINSON HAS AN OFFICE TALISMAN

Secretary A. L. C. Atkinson's attention was called yesterday, when he had betrayed a sigh over troubles of office dropping upon his desk, to a talisman in view from where he sat, whereof he had not been aware. This is a Hebrew prayer scroll in miniature, enclosed in an iron case, which is attached to an inner side of the doorway leading to the waiting room of the executive chambers. By raising a slide the Hebrew characters come into view through a round aperture. There was another similar amulet on the opposite side, but it was removed some time ago.

These devices, it is learned from Statistician Buckland, were set up by Mr. Rosenberg, who flourished in Iolani Palace in the eighties as tutor in Semitic mysteries to King Kalakaua. He was vulgarly known as "Holy Moses," being personated thus in a roaring tropical farce produced by the Honolulu Amateur Minstrels, composed of such oldtime fun-makers as Harry von Holt, Faxon Bishop, Harry Whitney and others, some of whom long ago left the islands.

Many people will remember the scroll about a mile long, giving in Hebrew a narrative of the world-building process or something of the kind, which King Kalakaua occasionally lent to charity fairs, etc. It was a production of "Holy Moses" greatly prized by the merry monarch among his serious studies.

INSPECTORS ON ALAMEDA TODAY

Collector Stackable received the following letter in yesterday's mail:

Juneau, Alaska, District at San Francisco, Cal., Jan. 6, 1904.

E. R. Stackable, Collector of Customs, Honolulu, Hawaii.

Sir: We beg to inform you that we will leave this port for Honolulu on the 9th inst., per steamer Alameda, for the purpose of inspecting vessels in those waters, and performing any other duties pertaining to our office.

Kindly notify any inquirers to this effect.

GEORGE H. WHITNEY,
CARL F. LEHNERS,
Local Inspectors.

KUHIO INFORMED ABOUT COUNTY ACT

Secretary Atkinson sent the following cablegram yesterday afternoon to Delegate Kalaniano'le at Washington: "County Act knocked out by Supreme Court. Recommendations later."

WORK OF THE TEACHERS.

Editor Advertiser: Before we begin to throw stones at the teachers, may we not consider the subject under discussion and find where the real fault lies?

Let us take up the course of study, see what is required of the teachers, and estimate whether, when everything is undertaken, it be possible for much to be done.

The teachers are executive officers, and, as such, do not make the laws. They, personally, have little to do with the present system of teaching; it has been grafted upon our schools from abroad, for if there are theorists and faddists here, they are mild in comparison with some who have visited us. One of the best teachers in town says she considers that Col. Parker did an incalculable amount of harm; others have followed him, some good, some bad. It seems reasonable, then, to criticize the system under which our instructors are working before we discuss them as individuals—the province, surely, of our very efficient Board of Education.

Permit me to differ both from you in your editorial, and from Mr. Stone in his letter of the 12th inst. The vacations and holidays are arranged primarily for the benefit of the pupils, as you will see if you glance over the calendar to which Mr. Stone refers. In the rest of his argument, although

A PUBLIC BENEFACCTOR

Judge L. A. Dickey Is
a Blessing In
Disguise.

"Judge Dickey is a public benefactor. He is deserving of every praise, and his action in compelling the Rapid Transit Company to give transfers in Punahou is the most praiseworthy thing I have ever seen. He is the most public spirited citizen I have seen in Hawaii at least since I have returned."

These were a few of the nice things which C. W. Ashford said yesterday in the hearing of his suit against the Rapid Transit Co. for refusing to carry a trailer with him as a passenger beyond the power house, where it was switched off.

Ashford is suing for several hundred dollars for the failure of the street car company to carry him beyond Alapai street, he having refused to leave the empty trailer and take standing room in the car ahead.

Ashford told Judge Lindsay who was hearing the case that he wasn't saying these nice things in order to influence the court.

"No, I suppose you are throwing the bouquets at yourself," suggested D. L. Withington, the opposing counsel. "How's that," asked Ashford. "Reflected glory," was the suggestive reply.

Ashford in his argument claimed that the only reason he wasn't taken further than the power house was the arbitrary ruling of Manager Ballentyne, that the car should be switched off at the power house. He said the conductor had no discretion; the car would have been switched off whether it was loaded or not.

Judge Lindsay asked Ashford if he meant that the company had no right to refuse passage if it had the seating capacity. Ashford replied that there was only standing room, and that he didn't intend to join the great majority of American people and allow himself to be trampled on by the great corporations, however, much respect he had for the Rapid Transit Co.

Mr. Withington contended that the company made no contract to carry Mr. Ashford to his destination on the car, but that he had been distinctly notified by the conductor that car would go only to the barn. The company claimed also that it had a right to make a schedule as it wished; provided it gave a regular service and that it had a perfect right to switch that particular car off at the barn.

Judge Lindsay took the case under advisement.

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"Two quarts of those white onions, please."

The man looked at her somewhat stupidly for a moment and then said:

"Oh, you mean a quarter peck."

The woman assented and the other woman with the basket looked at her curiously for a moment and then asked:

"You're from New York or the Eastern States, aren't you?"

"Yes, from New York State," said the other woman.

"I knew it! They always figure by quarts in those States until they get up a full peck, and here, and in New Jersey and Ohio I know, it is all 'quarter peck' and 'half peck'."

"Isn't it funny," said the other woman. "But were you ever South or in the Washington markets?"

"No," said the other, "I never have been."

"Well," said the New York State woman, "that's the most curious of all. Everything goes by 'small measure' and 'large measure.' It has such a delightfully indefinite sound, like a prize package or a lottery in which you may draw something big or nothing at all."

—Philadelphia Press.

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

Choice of Routes and
Choice of Trains

"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

"SUNSET ROUTE"—Sunset Limited. Down California Coast. Crescent City Express via San Joaquin Valley.

THE DIRECT ROUTE IS THE OGDEN.

The SHASTA will show you Northern California and Western Oregon.

The SUNSET, Central and Southern California, Arizona, Texas, Louisiana.

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Information Bureau

613 Market St., San Francisco.

School for Sugar Industry

SCHOOL FOR SUGAR INDUSTRY AT BRUNSWICK; Established 1872; Subsidized by the Government; Enlarged 1876.—Frequented hitherto by 1222 persons. Commencement of the preparatory course, February 12, of the Principal course, March 1, 1904.

The Direction: (PROF. DR. FRÜHLING and DR. A. RÜSSING)

PUBLIC OPINION IS AGAINST EXTRA SESSION

(Continued from page 1.)

culty of obtaining credit in the unsettled state of affairs.

If a special session is called the legislature will be at liberty to act as it pleases, and introduce bills of every variety, not to mention innumerable resolutions which some legislators are already said to be preparing; for instance a vote of want of confidence in the Supreme Court, and a few choice ones relative to the Governor and Kepoikai.

Home Rulers who were talked with yesterday say they are willing to bind themselves to pass the county bill and go home when that is done.

W. O. Smith, chairman of the Republican Commission which framed the County Act, said it was a good time now "to stop and think." As the speediest remedy he suggested an immediate appeal to Congress, which he considered the surest method of settling the present difficulty. He did not believe the Supreme Court having held the County Act invalid in two different decisions, that the legislature could pass a bill that would stand the test of the courts in view of the limitations of the Organic Act.

Chairman Crabbe, of the Republican Executive Committee, said the committee would meet with the Governor this morning. He thought that it would require at least sixty days for the legislature to pass a new bill.

Curtis Iaukea, chairman of the Home Rule Committee, said the committee was to hold its regular weekly meeting this afternoon at which the question would probably come up. He said that the committee passed a resolution condemning the Hatch mission, but had afterwards reconsidered it, and was willing to have the County Act endorsed by Congress.

Representative Andrade was of the opinion that anything would be better than a special session of the Legislature.

Representative Jonah Kumalae, former Republican leader in the House, now a Home Ruler, said a special session should be called and the members bound to take up only the county bill or the appropriation bills, for which the Governor would call them. He said he would sign such an agreement. "It

seems as if we are children and can't pass a county bill," said Kumalae.

"Eaole and kanaka try it, no can do it, now let Japanese and Pake do it," said a native policeman who was standing near by.

Representative Harris favored an agreement to deal only with county legislation before a special session should be called.

Representative Aylett thought that the twenty-three Republicans would bind themselves to pass a County bill and then quit. He did not believe the old appropriations could be made to do duty. The idea of a special session with a written agreement to consider only the County bill seems to have been quite generally discussed among the members of the Legislature.

Senator Brown intends to leave this morning on the Siberia for Japan so the benefit of his counsel will be lost to the Senate. He is the only lawyer in the upper house.

It seems to be the general opinion that if a special session is called and a new law passed, a new election will be necessary. Another view is that the legislature can validate the election already held under the County Act.

The collection of taxes is not interfered with, provided officers can be obtained who will carry out the law with their salaries a matter of uncertainty. It is said that Treasurer Kepoikai is considering the appointment of Curtis Iaukea as tax assessor to fill the vacancy in the Oahu office.

The merchandise tax is pau, which will save the Merchants' Association the necessity of testing it. Other licenses are also knocked out. The income tax exemption is lowered again to \$1,000 instead of raised to \$1800 as provided in the County Act. Taxes will be collected once a year instead of in June and November as provided in the County Act.

The Territorial Board of Institutions was long ago knocked out and with the Supervisors out of existence the Superintendent of Public Works again assumes his old duties.

Judge Dickey again becomes first judge and Judge Lindsay will take his old place. Vida will no longer be able to hold office as road supervisor, as it is an office of the Territory and he as a member of the Legislature cannot hold the job.

The famous hack clause which it was believed would involve Hawaii in trouble with Japan is also a thing of the past.

THE COUNTY ACT IS KNOCKED OUT.

(Continued from page 1.)

the Territorial Board of Public Institutions and provide for a transfer of powers and duties from the Minister of the Interior—not to go into the question whether the subject of a Territorial penitentiary itself could properly be included in the Act, or how far the matters of prisons, criminal procedure, sentences, etc., in general might be affected by the failure of the provisions in question; or because they purport to alter laws that cannot be altered at all by the Territorial Legislature, the power to alter which is reserved exclusively to Congress by the Organic Act (as, for instance, Sections 171-172, 450-451, relating to the settlement of boundaries and the returns, canvass and certificates of election in the case of Territorial Senators and Representatives—not to consider whether the latter subject could properly be included in a county act at all); or because they violate provisions of the Organic Act or other Acts of Congress relating to the Territories prohibiting special legislation in regard to counties, as, for instance, the proviso of Section 1 relating to the County of Kalawao, and Section 14 relating to the Supervisors of the County of Oahu.

But we will assume for the purposes of this case either that all such provisions are valid and effective, except so far as held otherwise in the cases above mentioned, or else, that if invalid or ineffective, they may, important though some of them are, all fall without causing the Act as a whole to fail.

There is, however, one subject that, in our opinion, is improperly included in the Act, without the provisions in regard to which it cannot be presumed that the Legislature would have passed the rest of the Act. That is the subject of Territorial taxation—the very means upon which the Territorial government depends for its life. We will assume that the Territorial Board of Equalization might properly be constituted as it is in terms by this Act, notwithstanding the provisions of Section 80 of the Organic Act. Still the subject of Territorial taxation is one that, like the subject of the Territorial Board of Public Institutions, cannot be included in the Act, in view of the provisions of Section 45 of the Organic Act relating to titles of laws.

The Act makes radical changes in the system of Territorial taxation. It may almost be said to provide a new system. Among other things, it provides for the equalization of valuations of real property among the several counties, as far as regards the Territorial tax, by a purely Territorial Board. This board also is required to determine the rate of the Territorial tax upon both real and personal property, and in case of its failure to do so, the rate is fixed at five mills on the dollar. Sections 186, 221, 222.

The Act is entitled "A Act Providing for the Organization and Government of Counties and Districts, and the Management and Control of Public Works and Public Institutions therein." An Act relating to taxation could cover both Territorial and county taxation. Whether an act relating to Territorial government could properly cover county government, or an act relating to Territorial taxation could properly cover county taxation might be a question—although under an act which according to its title related to state and county revenues, but which contained a section on municipal revenues, the Supreme Court of Tennessee held not only that section but the entire act void. See Bugher vs. Prescott, 23 Fed. 20. But an act relating to county taxation or county government could not cover Territorial taxation. No doubt a number of provisions in this Act could be sustained, not as parts of the Territorial system of taxation but as incidental to county government, although they relate more or less to what were previously parts of the Territorial system of taxation. An act relating to counties created in a fully organized Territory with a centralized government would naturally and probably necessarily contain some such provisions. Lines of demarcation and transfers would have to be made and this could be done by inclusion, exclusion, amendment or repeal so far as necessary for the purposes of providing for the organization and government of counties. But this Act goes much further than this. It provides for most important changes in the system of Territorial taxation, and that, too, with nothing in the title of the Act to indicate this.

What is the result? The provisions relating to county and territorial taxation, covering nearly a fourth of the entire Act, are interwoven, and were intended to be parts of a general scheme. If the part relating to county taxation would have to fall with the part relating to Territorial taxation, the counties themselves would be without the greater portion of their contemplated means of subsistence and the entire act would necessarily fall. If the part relating to Territorial taxation could be separated from the part relating to county taxation, then, if the rest of the Act could stand, it would be only on the theory that, as to Territorial taxation, previously existing laws would remain in force. There would then be two systems of taxation, each complete in itself, with two sets of officers and other machinery from top to bottom, with double expenses, two returns, assessments, etc., to be made in the case of each taxpayer, the possibility of two valuations by different assessors or boards and two appeals, etc., in each instance, etc., etc. The Territory would also have to collect most of the taxes as fixed by previous laws, sufficient perhaps to support the entire government as it was previously, notwithstanding that the greater part of the expense were to be hereafter borne by the counties. The counties would also have to collect the rate which this Act purports to authorize. The people would then be taxed much more heavily than was contemplated or is necessary. In view of the extent to which the intention of the Legislature would be frustrated and inconvenience and hardship would result in case the rest of the Act were allowed to stand without the part relating to new features in Territorial taxation, it cannot be supposed that the Legislature would have passed the rest of the Act in its present shape. For the court to sustain the rest of the Act under the circumstances would be to assume legislative power.

We fully realize that, as we have held in the past, the organic provision relating to titles of laws should be liberally construed, and the court should sustain an act of the Legislature, if possible. But the superior law must control in a clear case of conflict. The court cannot, nor can a large majority any more, than a small majority of the Legislature, override the organic law, however, much any particular law or form of law may be desired.

In our opinion the Act in question is void, the respondents are not entitled to the offices which they claim, the decree appealed from is reversed and an appropriate decree in conformity with this opinion may be entered in this court.

J. A. Matthewman and C. R. Hemenway, for the petitioner.

Kimney, McClanahan & Cooper and S. H. Derby, counsel in another case, argued on the same side, by permission.

A. S. Hartwell, for the respondents.

DEFECTS OF THE COUNTY SYSTEM

Editor Advertiser: Perhaps the decision of the Supreme Court which killed the County Act may prove after all an undisputed blessing. Certainly a very large number of persons so regard it today. It must be a surprise to those who thought the Territory launched on an ocean of universal approval into county government, to hear the comments of nearly all, on the matter. It is safe to say that four-fifths heartily approve of the final result of the work done by the court. Many of these favored the new departure when it was proposed. It may be, as claimed, that a very large majority of voters were in favor of tacking another government to what we have. But the discussions in the Legislature, in the papers and on the streets, have opened many eyes and favor has been succeeded by doubt, doubt by apprehension and opposition.

A recent visit to Kona and Kohala developed the fact that country voters too, have been watching the progress of events. Many who openly declared for the county, who possibly could not give any good reasons, except that it is in the line of advance and Americanism, are now with equal openness ranged in opposition. One very intelligent man declared that in another election voters would require pledges from candidates against the county, or they would not get votes. He is not a sugar planter or large land owner, either.

The discussions have been a campaign of education and the results are largely against the county. It is probably not true, as stated by one speaker at the meeting this morning, that the county plank was placed in the platform of both parties in obedience to an overwhelming demand from the people. It was placed there because of an overwhelming demand by the politicians and they are not necessarily the people. Whether any party will be wiped out that, in the next election, declared against the county, remains to be seen. At present it seems likely that the next election will be carried by the Hawaiian as against the white man; if the actions of such native Republicans as Iaukea and Kumalae are any criterion.

Generally the politician is a pretty shrewd observer and actor. He seeks to turn public prejudices and feelings to his advantage by careful manipulation. In 1900 the convention in Philadelphia was compelled to yield to popular demand in favor of Roosevelt. So they nominated him, against their wishes, but with much acclamation, to be Vice President. The writer heard several of them remark that it was safer. He would be harmless in that position, and in 1904 he could be laid aside because he had been honored by the party in 1900 and his claims thus satisfied. Now they are putting forward the name of Hanna to test popular feeling at a time when many are very sore over the far reaching conclusions of the postal frauds investigations, and the large conservative element is shaken by something wrong, as they imagine, in the Panama affair.

In the same way our popular pulse has been tested about county government and it is safe to say that a very large number of our voters, probably all of the conservative thinkers, those who know something of history, now believe that the time has not yet arrived to try this new system in Hawaii. Iaukea is evidently not willing to trust the matter again to our voters, but would place it in Congress where ignorance and perhaps indifference as to our peculiar conditions are the rule, and where a vote in favor of what appears democratic and popular is almost certain. This is especially true and most likely to happen when we must pay the piper and not the constituents of the Congressmen who vote. Witness the amendments in favor of universal suffrage, prohibition and other untried and doubtful experiments which were tacked on to the Territorial Act, on its second reading. Have we any assurance that the same thing will not occur when Congress legislates for our country?

Nations and institutions are of slow labor and growth. It took centuries to develop the present forms of Anglo-Saxon government. The United States presents the most artificial of all forms. It has taken many years, not unaccompanied by bitter struggles, to place them where they are. Shall we transplant to Hawaii without first preparing the soil? It is safe to say that a majority of our 12,000 voters are totally unfitted for this. Let us go slow, with the end in view of gradually accommodating ourselves to the changed conditions and then adopt the forms as we have accepted the fact of democratic government.

W. R. CASTLE.

BOTTLED SUNSHINE

Scott's Emulsion brings sunshine to the entire system of the consumptive.

All life is sunshine. The sun pouring its rays into the plant combines earth, water and air into new plant tissue. Sunshine stored up in the plant is its life.

The animal changes plant tissue into animal tissue, changes the stored up sunshine of plant life into animal life.

Fat contains more stored up sunshine than any other form of animal tissue. This is why Scott's Emulsion of pure cod liver oil is literally bottled sunshine, full of rich nourishment and new life for the consumptive.

We'll send you a sample free upon request.

SCOTT & BOWNE, 400 Pearl Street, New York.

ATKINSON HAS AN OFFICE TALISMAN

Secretary A. L. C. Atkinson's attention was called yesterday, when he had betrayed a sigh over troubles of office dropping upon his desk, to a talisman in view from where he sat, whereof he had not been aware. This is a Hebrew prayer scroll in miniature, enclosed in an iron case, which is attached to an inner side of the doorway leading to the waiting room of the executive chambers. By raising a slide the Hebrew characters come into view through a round aperture. There was another similar amulet on the opposite side, but it was removed some time ago.

These devices, it is learned from Statistician Buckland, were set up by Mr. Rosenberg, who flourished in Iolani Palace in the eighties as tutor in Semitic mysteries to King Kalakaua. He was vulgarly known as "Holy Moses," being personated thus in a roaring tropical faze produced by the Honolulu Amateur Minstrels, composed of such old-time fun-makers as Harry von Holt, Faxon Bishop, Harry Whitney and others, some of whom long ago left the islands.

Many people will remember the scroll about a mile long, giving in Hebrew a narrative of the world-building process or something of the kind, which King Kalakaua occasionally lent to charity fairs, etc. It was a production of "Holy Moses" greatly prized by the merry monarch among his serious studies.

INSPECTORS ON ALAMEDA TODAY

Collector Stackable received the following letter in yesterday's mail:

Juncos, Alaska, District at San Francisco, Cal., Jan. 6, 1904.

E. R. Stackable, Collector of Customs, Honolulu, Hawaii.

Sir: We beg to inform you that we will leave this port for Honolulu on the 9th inst. per steamer Alameda, for the purpose of inspecting vessels in those waters, and performing any other duties pertaining to our office.

Kindly notify any inquirers to this effect,

GEORGE H. WHITNEY,
CARL F. LEHNERS,
Local Inspectors.

KUHIO INFORMED ABOUT COUNTY ACT

Secretary Atkinson sent the following cablegram yesterday afternoon to Delegate Kalaniana'ole at Washington:

"County Act knocked out by Supreme Court. Recommendations later."

WORK OF THE TEACHERS.

Editor Advertiser: Before we begin to throw stones at the teachers, may we not consider the subject under discussion and find where the real fault lies?

Let us take up the course of study, see what is required of the teachers, and estimate whether, when everything is undertaken, it be possible for much to be done.

The teachers are executive officers, and, as such, do not make the laws. They, personally, have little to do with the present system of teaching; it has been grafted upon our schools from abroad, for if there are theorists and faddists here, they are mild in comparison with some who have visited us. One of the best teachers in town says she considers that Col. Parker did an incalculable amount of harm; others have followed him, some good, some bad. It seems reasonable, then, to criticize the system under which our instructors are working before we discuss them as individuals—the province, surely, of our very efficient Board of Education.

Permit me to differ both from you in your editorial, and from Mr. Stone in his letter of the 13th inst. The vacations and holidays are arranged primarily for the benefit of the pupils, as you will see if you glance over the calendar to which Mr. Stone refers. In the rest of his argument, although

A PUBLIC BENEFACCTOR

Judge L. A. Dickey Is a Blessing In Disguise.

"Judge Dickey is a public benefactor. He is deserving of every praise, and his action in compelling the Rapid Transit Company to give transfers in Punahou is the most praiseworthy thing I have ever seen. He is the most public spirited citizen I have seen in Hawaii at least since I have returned."

These were a few of the nice things which C. W. Ashford said yesterday in the hearing of his suit against the Rapid Transit Co. for refusing to carry a trailer with him as a passenger beyond the power house, where it was switched off.

Ashford is suing for several hundred dollars for the failure of the street car company to carry him beyond Alapai street, he having refused to leave the empty trailer and take standing room in the car ahead.

Ashford told Judge Lindsay who was hearing the case that he wasn't saying these nice things in order to influence the court.

"No, I suppose you are throwing the bouquets at yourself," suggested D. L. Withington, the opposing counsel.

"How's that," asked Ashford.

"Reflected glory," was the suggestive reply.

Ashford in his argument claimed that the only reason he wasn't taken further than the power house was the arbitrary ruling of Manager Ballentyne, that the car should be switched off at the power house. He said the conductor had no discretion; the car would have been switched off whether it was loaded or not.

Judge Lindsay asked Ashford if he meant that the company had no right to refuse passage if it had the seating capacity. Ashford replied that there was only standing room, and that he didn't intend to join the great majority of American people and allow himself to be trampled on by the great corporations; however, much respect he had for the Rapid Transit Co.

Mr. Withington contended that the company made no contract to carry Mr. Ashford to his destination on the car, but that he had been distinctly notified by the conductor that car would go only to the barn. The company claimed also that it had a right to make a schedule as it wished; provided it gave a regular service and that it had a perfect right to switch that particular car off at the barn.

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—Philadelphia Press.

WHY TOURISTS DO NOT VISIT HAWAII

In view of the unusual scarcity of tourists for this time of year—a state of things which Captain Houdlette of the Sierra says is unprecedented—Col. Macfarlane has written a letter of inquiry to the agent at Los Angeles of various local hotels and the inter-island steamship lines. Following are extracts from this communication:

"If you have any suggestions to offer at any time with regard to pushing forward the work of promotion, we shall always be pleased to consider same. You are located right on the spot where the business of attracting tourists has been carried to a very successful issue, and you should therefore be in a position to know how the thing was done there, and what methods were found effective. The stream of wealthy tourists which goes out from all populous centers in the United States seeking where they may be entertained for their liking is an ever-increasing one, and the opinion of the writer is that they go for the most part, just where they are influenced to go. We have, attractions here which certainly compare favorably with those of most of the tourist resorts, and yet these crowds of people do not come to us in any numbers. They seem to prefer other places. Can you explain it? How did Los Angeles manage to carry out the work of promotion so effectively? Are we adopting the same methods which your people adopted, or are we omitting

CHANGE IN THE SHERIFFS

Deputy Sheriff Chillingworth may go to Maui today to take over the Sheriff's office. Sheriff Andrews took possession of the Hilo police office immediately upon receipt of the High Sheriff's telegram, and Sheriff Coney was already in charge on Kauai as county sheriff. Trouble is expected with Sheriff "Oily Bill" White on Maui and Deputy Chillingworth thinks that it will be necessary for him to go over on the steamer today to help Sheriff Baldwin get possession.

anything which they deemed essential? It is urged by some that the steamer fares are too high and the means of transit too infrequent. No doubt it would help us if rates were reduced and greater regularity of service established. These are things which weigh with a certain class, but not with all, as there are crowds going past us to Japan every year, and the various resorts in the Orient are thronged. What we want to do is to ascertain the reasons why these islands are not attracting the tourist class, and if we have not begun to apply the proper remedy, to find it and apply it without delay. We should be glad to have your ideas on this subject, as well as some expression of opinion as to whether you think our promotion committee are going to work the right way."

...in, affecting prompt relief where
...the world's greatest medicine
THERAPY NO 2 for impurity of the blood,
...rheumatism, gout, blotches, pains and swelling
...of the joints, drops, rheumatism, & all diseases for which
...in has been the match & fashion to employ mercury,
...the blood, the purification of mother's teeth
...of health. This preparation
...through the blood, and thoroughly
...contains all poisonous matter from the body.
THERAPY NO 3 for exhaustion, sleep-
...and all distressing consequences of
...worry, this preparation
...restoring power to restoring strength and vigor to
...suffering from the overstraining purpose of
...independence in hot, unhealthy climates.
THERAPY NO 4 is sold by the principal
...throughout the world.
...in England, No. 21, and 4, 6, in
...state which of the three numbers is re-
...suggested, and observe that the word "THERAPY"
...on the British Government Stamp (is
...given without charge to every
...package by order of His Majesty's
...and without which it is, never

Arguments on new points requested by Judge Dole arising in the demurrer of Solomon Mebeula to the indictment for destroying public records was deferred yesterday owing to the absence of defendant's counsel.

Purser Wright of the Mikahala, which arrived from Kauai yesterday morning, reports the ship Henry Villard arriving at Eleale January 11. The schooner Kaiuwa had finished discharging her coal cargo at Eleale, and expects to sail January 15. He reports the following sugar on Kauai ready for shipment: Mak, 9,700 bags, G. & R. 1,322, McB, 15,000 K. P., 2,475, H. M., 1,440, L. P., 3,345. H. S. Co., 881 bags. The Mikahala's cargo comprised 4,200 bags K. S. M. and 600 bags V. K. sugar, 100 bags rice, 70 bags rice bran, 54 empty barrels, 11 barrels bottles, 12 bags bottles, 7 barrels poi, 40 bags taro and 35 packages sundries.

The High Sheriff's messages went to Sheriffs Andrews at Hilo, Baldwin at Maui and Coney at Kauai. This order will release "Sheriff" Bill White of Maui, and "Sheriffs" Keolanui and Kamauoha of West Hawaii. It is believed that in these districts where "county sheriffs" were elected, other than the

ABOUT COLDS.—In all countries and among all nations of the globe, cough medicines are used and used probably more extensively than any other one class of medicines. Every human being is subject to throat and lung troubles, which may terminate his existence. People everywhere realize the dangerous consequences of a neglected cold, for the majority of fatalities have their origin in and are characterized first by a simple cold. The more careful and prudent persons do not permit a cold to run its course, but treat it promptly. For many years Chamberlain's Cough Remedy has been in use throughout the United States and many other countries and time has proven it to be the best adapted of any remedy yet made for all throat and lung diseases, and especially coughs, colds, croup and whooping cough. It always cures and cures quickly. For sale by all dealers and druggists, Benson, Smith & Co., Ltd., Agents for Hong Kong.

IN AMERICA Chamberlain's Cough Remedy is a great favorite with the mothers of small children for colds, croup and whooping cough. It contains no harmful substance and always gives prompt relief. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

Bombardier-Bremer Fire Insurance Co.

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of

F. A. SCHAEFFER & CO., Agents.

German Lloyd Marine Insurance Co. OF BERLIN.**Fortuna General Insurance Co. OF BERLIN.**

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFFER & CO., General Agents.

General Insurance Co. for Sea River and Land Transport. of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFFER & CO., Agents for the Hawaiian Islands.

"The Overland Limited"**ELECTRIC LIGHTED****California***To the EAST via***The Union Pacific****This Train is really a First-Class Modern Hotel**

with Handsome Parlors, Drawing Rooms, Bed Chambers, Boudoirs, Libraries, Smoking and Reading Rooms, Barber Shops, Bath Rooms (hot and cold water), superbly appointed Dining Rooms, glittering with Mirrors, Cut Glass, Fragrant Flowers, Electric Candelabra, etc.; Promenades, Observation Rooms, Electric Lights, Electric Fans, Telephones, Electric Reading Lamps, Perfect Heat, etc.

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Full Information Cheerfully Furnished on Application to

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General Agent,
1 Montgomery St., San Francisco

E. L. Lomax, G. P. & T. A.
Omaha, Neb.

USEFUL YOUNG MAN COMES TO HIS END

Vincent Fernandez died at his home in Kalihi yesterday morning, shortly after having been carried ashore from the steamer Mauna Loa. He had been in a decline for about a year past and went to Kona, Hawaii, about six weeks ago with hope of benefit from the salubrious climate of that district. It was all too late for him, and he came home to die. There was difficulty, indeed, in keeping up his vitality on board the steamer so that he might reach Honolulu alive.

The dead young man was an industrious and thrifty Hawaiian, belonging to a family of the same characteristics, which makes his removal in early life a loss to the community. He was born in Honolulu some thirty-three years ago of a Hawaiian mother, his father, now dead a good many years, having been a retired veteran of the British army in the Far East who, in honorable business here, did well for himself and his family. Besides a wife, Vincent Fernandez leaves a sister and three brothers, the eldest of the latter being Abraham Fernandez, for years manager of the Hawaiian Hardware Co. For the past eight years the subject of this obituary has been employed by A. V. Gear as a clerk. He revealed an aptitude for business and always evinced an unstinted politeness that made people like him.

He made an exceptionally snug home for himself at Kalihi, from whence the funeral will take place, to Kalihi cemetery, at 3 o'clock this afternoon.

PNEUMONIA always results from a cold or an attack of influenza. Chamberlain's Cough Remedy quickly cures these ailments and counteracts any tendency toward pneumonia. It is made especially for these and similar ailments and can always be depended upon. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

Sale To Liquidate Copartnership of Puuloa Sheep and Stock Ranch Company.

The copartnership known as the Puuloa Sheep and Stock Ranch Company, composed of George W. Macfarlane, E. C. Macfarlane and Henry R. Macfarlane, having been dissolved by the death of E. C. Macfarlane, February 18th, 1902, for the purpose of finally liquidating and closing the said copartnership with the consent of the survivors thereof, the undersigned, George W. Macfarlane, Fred W. Macfarlane and Florence B. Macfarlane, executrix, of the Last Will and Testament of E. C. Macfarlane, deceased, duly appointed, qualified and acting, having filed a certain verified petition in the matter of the said Estate of E. C. Macfarlane, deceased, in the Circuit Court in and for the First Judicial Circuit of the Territory of Hawaii, in which the matter of the said estate then was and now is pending, before the Honorable George D. Gear, Second Judge of said Circuit Court, sitting at Chambers, and made returnable before the said Honorable George D. Gear, as said Judge, on Monday, November 15th, 1903, at 10 o'clock a. m. of that day, and the said petition having been duly heard and granted by said Honorable George D. Gear, as said Judge, on the date last aforesaid, and the said Honorable George D. Gear, on November 24th, 1903, having duly signed an order, judgment and decree granting the prayer of said petition, and on December 1st, A. D. 1903, having also signed an order modifying and amending the said order, decree and judgment, as by reference to the said petition and orders, on file in said Circuit Court, and to all the proceedings relative thereto, will more fully and at large appear.

Now therefore: Under the law and the proceedings and each of them aforesaid, for the purpose of finally liquidating and closing the copartnership aforesaid, and in conformity with the order, judgment and decree aforesaid, to which the survivors of the said copartnership, George W. Macfarlane and Henry R. Macfarlane have consented in writing, as by the petition aforesaid fully appears, the undersigned, George W. Macfarlane and Henry R. Macfarlane, survivors of the said copartnership, as said survivors, and the undersigned, George W. Macfarlane, Fred W. Macfarlane and Henry R. Macfarlane, executrix, of the Last Will and Testament of E. C. Macfarlane, deceased, will offer for sale and will sell as a whole, at public auction, through James F. Morgan, auctioneer, hereby chosen and designated for that purpose, at the auction sales rooms of said James F. Morgan, Nos. 247-257 Keolu street, in the city of Honolulu, Island of Oahu, Territory of Hawaii, on Saturday, January 9th, 1904, at the hour of 12 o'clock M. of that day, to the highest bidder, beyond or for the sum of twenty thousand dollars, the entire property, assets, and goodwill of the said Puuloa Sheep and Stock Ranch Company, consisting of the following, viz:

DESCRIPTION OF PROPERTY.
List of Freehold and Leasehold Lands and Improvements, Sheep and other Live Stock and Property owned by the Puuloa Sheep and Stock Ranch Company, viz:

FREEHOLD LANDS.
LAND OF OULU Ahupua'a, containing 4,000 acres, more or less, and extending from the sea, near Kawaihae, to the top of the Kohala range of mountains, with a stream of water running through same, said stream having its origin in those mountains.

LAND AT LIHUE, in Waimea, the former homestead of James Luzada and Frank Spencer, and formerly the headquarters of the Lihue Cattle Ranch and Beef Packing Establishment, adjoining the land of Oulu and stream of water running through it, containing 50 acres. This also has a beautiful block of land.

LAND OF AHULU, in Waimea, the former homestead of Edward Sparke, and formerly the headquarters of the Sparke Sheep Ranch. This is probably the finest residence site in the district of Waimea, and is a magnificent block of land having an area of 22 acres, through which there is also a running stream of pure water.

There are valuable stone fences and pens on the above properties. The two last mentioned fine blocks of land are very advantageously situated, and are almost in conjunction with the fine residence property of the late Hon. John P. Parker, the headquarters of the Parker Cattle Ranch.

These lands are covered with fine Manilela Grass, ornamental trees, &c., and the climate of this locality has no rival anywhere else in the Islands, being at an elevation of 2700 feet and at the base of snow-capped Mauna Kea, where the average temperature is from 50 deg. to 60 deg.

LEASED LANDS.
LEASE OF THE LAND OF HOLOKAWAI, near Waimea, from the Hawaiian Government, containing 1035 1/2 acres, and expiring January 10th, 1908. Rent, \$22.50 per annum. There are two streams of water from Mauna Kea running through this land.

LEASE OF LAND AT WAIMEA from Crown Commissioners, containing 25 1/2 acres, expiring June 1st, 1908. Rent, \$250 per annum. The boundary of this land on one side is on the Waikoloa stream.

LEASE OR MEMORANDUM OF AGREEMENT between the Puuloa Sheep and Stock Ranch Company and John P. and Samuel Parker, for running sheep on a portion of the large Ahupua'a of Waikoloa, in exchange for Ranch of running cattle on the Sheep Co.'s lands. This agreement expires in 1909.

There is also a lease, just expired, of Crown lands in Waimea, which the Puuloa Sheep & Stock Ranch Co. and its assigns, have held for 50 years, containing 678 acres, of which they are now in possession; and they have made application to the Territorial Government for a renewal of the lease. This application has not yet been acted upon.

THE IMPROVEMENTS.
Consist of a Dwelling House of Manager at Keamoku, Men's Quarters, Large Shearing Shed, Yards, Pens, Wire Fences, Stone and Cement Cisterns, &c., and the following appurtenances, viz: Wool-Press, Iron Water Tanks, Redwood Water Tanks, Harness, Furniture, Scales, Sheep-Shears, Wool Packing, &c., &c., and the following:

LIVE STOCK.
7,000 Sheep, more or less, including Ewes, Rams and Lambs;
25 Work Horses;
40 Mares and Unbroken Foals;
6 Team Horses and Hauling Wagons;
The whole comprising a complete Sheep and Stock Ranch.

The sheep are principally of the Merino breed, crossed with Southdown and Shropshire, and the wool produced by the Ranch has always commanded the highest price in the Hawaiian Wool Market.

TERMS OF SALE.
No bid for less than twenty thousand dollars, in gold coin of the United States, will be received.

Cash, in gold coin of the United States, payable as follows:

1. Ten per centum of the purchase price, at the time of sale; upon the fall of the hammer, to be paid either in gold coin of the United States to the survivors above named, George W. Macfarlane and Henry R. Macfarlane, or in a certified check or certified checks, payable to their order.

2. The remainder of the purchase price, within ten days after confirmation of the sale by the Judge of said First Circuit Court, before whom the said Estate of E. C. Macfarlane, deceased, may then be pending, and, upon the execution and acknowledgment by the undersigned, survivors, executors and executrix as aforesaid, and by each of them individually, of all conveyances, deeds, bills of sale, and other instruments, necessary to the full consummation of said sale and to the vesting of the title to the said property, real and personal, and of the good will of the copartnership aforesaid, in the purchaser, and concurrently with the delivery of the same and of possession of the said property to the purchaser.

All deeds, bills of sale, and other papers at the expense of the purchaser. Further particulars can be obtained at the law office of Henry E. Ehlerton, corner of Fort and King streets, at the law office of Hatch & Ballou, Stangenwald Building, Honolulu, or from the undersigned, George W. Macfarlane or Henry R. Macfarlane.

Dated Honolulu, H. T., December 1st, A. D. 1903.

GEORGE W. MACFARLANE,
HENRY R. MACFARLANE,
Survivors of the Copartnership of Puuloa Sheep and Stock Ranch Company.

GEORGE W. MACFARLANE,
HENRY R. MACFARLANE,
FRED W. MACFARLANE,
FLORENCE B. MACFARLANE,
Executors and Executrix of the Last Will and Testament of E. C. Macfarlane, deceased. 2549-51

The above sale has been and is postponed until Saturday, January 16th, 1904, at the hour of twelve m. of that day, as above.

Dated, Honolulu, January 6th, A. D. 1904.
(Sg.) **G. W. MACFARLANE,**
(Sg.) **H. R. MACFARLANE,**
Survivors of the Co-partnership of Puuloa Sheep and Stock Ranch Co.
(Sg.) **G. W. MACFARLANE,**
(Sg.) **H. R. MACFARLANE,**
(Sg.) **F. B. MACFARLANE,**
(Sg.) **F. W. MACFARLANE,**
Executors and Executrix of the Last Will and Testament of E. C. Macfarlane, deceased.

HERE'S WHAT'S WANTED

A Citizen of Honolulu Supplies the Information.

Over half the complaints of mankind originate with the kidneys. A slight touch of backache at first. Twinges and shooting pains in the loins follow. They must be checked, they lead to graver complications. The sufferer seeks relief.

So-called kidney cures which do not do the back.

Plasters are tried and liniments for cure.

The long looked for result seems unattainable. If you suffer, do you want relief? Follow the plan adopted by this gentleman.

Mr. S. Hanolund, of this city, is a Custom House guard. He writes: "Having been afflicted with an aching back for some time, I procured a supply of Doan's Backache Kidney Pills at Hollister & Co.'s store, and used them. The results were most satisfactory and I know that the pills are a valuable medicine for kidney complaints and especially for a lame back."

Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50 cents per box (six boxes \$2.50) or will be mailed on receipt of price by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands.

Remember the name Doan's and take no substitute.

THREW CHILD INTO OCEAN**Lillian Young Makes Startling Charges of Cruelty.**

Lillian H. Young has filed startling charges of cruelty and brutality against her husband, Thomas H. Young, in a suit for absolute divorce begun yesterday.

Mrs. Young states they were married in this city on January 28, 1900, and there have been born of the union, Margaret, now three years of age, and Florence, two years of age. She alleges that since December 9, 1903, they have lived apart, not, however, due to her fault. She says that although he is of sufficient ability to provide for her wants he does not do so and she is compelled to live on the bounty of friends and her own efforts.

In relating various instances of alleged cruelty, she states that on one evening in July, 1901, at their home in Walkiki, her husband cruelly struck and beat the daughter, Margaret, then aged ten months, and threw her into the ocean, from whence she was rescued by the mother in an exhausted and bruised condition. On this same night he made an unprovoked assault upon her, striking and kicking her on one of her hips, which remained bruised and discolored for days.

In August, 1903, Young is alleged by his wife, while they were living on Beretania street, near Alapai, to have struck and kicked her in the stomach, throwing her violently to the floor. This was done in the presence of several lady friends who were calling upon her.

Again in November, 1903, he became enraged and infuriated and struck and beat her with his open hands and swore at her. He then threw out of the window, the plates, glassware and other dishes which were on the table. He also threw out of the same window, all the food she had prepared for their lunch.

On December 8, 1903, he forcibly struck and beat his daughter, Margaret, now about three years old, and it is alleged the little one was very brutally beaten. The mother says the child's face was bruised until it became frightfully pained and the marks and imprints of his fingers could be seen upon it for several days. On December 9 he is alleged to have forced his wife out of their house and refused to permit her to return.

She states he is an employee of the street railway and receives between \$30 and \$40 per month.

AN EDITOR'S OPINION.—John S. Dawes, Esq., editor and proprietor Guardian and Star, Hokitika, New Zealand, said: "I have found Chamberlain's Cough Remedy a very valuable medicine, having received great benefit from its use when suffering from a cold, and as a preventive for croup in children its excellent properties have been testified in my family." For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

MOTHERS

should know. The troubles with multitudes of girls is a want of proper nourishment and enough of it. Now-a-days they call this condition by the learned name of Anemia. But words change no facts. There are thousands of girls of this kind anywhere between childhood and young ladyhood. Disease finds most of its victims among them. Some of them are passing through the mysterious changes which lead up to maturity and need especial watchfulness and care. Alas, how many break down at this critical period; the story of such losses is the saddest in the history of home. The proper treatment might have saved most of these household treasures, if the mothers had only known of **WAMPOL'S PREPARATION** and given it to their daughters, they would have grown to be strong and healthy women. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In building up pale, puny, emaciated children, particularly those troubled with Anemia, Scrofula, Rickets, and Bone and Blood diseases, nothing equals it; its tonic qualities are of the highest order. A Medical Institution says: "We have used your preparation in treating children for coughs, colds and inflammation; its application has never failed us in any case, even the most aggravated bordering on pneumonia." The more it is used the less will be the ravages of disease from infancy to old age. It is both a food and a medicine,—modern, scientific, effective from the first dose, and never deceives or disappoints. "There is no doubt about it." Sold by all chemists here and throughout the world.

FOR BABY'S SKIN SCALP AND HAIR**Something for Mothers to Think About**

EVERY CHILD born into the world with an inherited or early developed tendency to distressing, disfiguring humours of the skin, scalp, and blood, becomes an object of the most tender solicitude, not only because of its suffering but because of the dreadful fear that the disfiguration is to be lifelong and mar its future happiness and prosperity. Hence it becomes the duty of mothers of such afflicted children to acquaint themselves with the best, the purest, and most effective treatment available.

That warm baths with CUTICURA SOAP to cleanse the skin and scalp of crusts and scales and gentle applications of CUTICURA Ointment to instantly allay itching, irritation, and inflammation, and soothe and heal, to be followed in the severest cases by mild doses of CUTICURA Resolvent are all that can be desired for the alleviation of the suffering of skin-affected infants and children and the comfort of worried mothers has been demonstrated in countless homes in every land. Their absolute safety, purity, and sweetness, instantaneous and grateful relief, speedy cure, and great economy leave nothing more to be desired by anxious parents.

Complete External and Internal Treatment for Every Humour. Consisting of CUTICURA SOAP, to cleanse the skin and scalp of crusts and scales, and soothe the disordered scalp, CUTICURA Ointment, to instantly allay itching and irritation, and soothe and heal, and CUTICURA Resolvent, to cool and cleanse the blood. Sold throughout the world. Anti-Depot: R. TOWSE & Co., Sydney, N. S. W. Sole African Depot: LEITCH LTD., Cape Town. "How to Cure Baby Humours," free. POTTER DRUG AND CHEM. CO., Boston, U. S. A., Sole Props., CUTICURA REMEDIES.

THE SCHOOL QUESTION

Kamehameha Schools,
Honolulu, Hawaii, Jan. 12, 1904.

Editor Advertiser: Your remarks in Saturday's Advertiser deserve consideration by both teachers and parents. What you suggest as to training for those who do not expect to go to college is being done as far as possible by both the High School and Oahu. And Oahu will do more next year. Cannot you get the head of each of these institutions to tell the public what is being done for the boys and girls who do not expect to enter college? The public don't care to look through a regulation yearly report for this information; and so go without it. But it would make interesting reading just now, and people would be glad to read it.

There is no other power on earth so strong as public opinion. And what Oahu and the High School and the public schools need most of all, is a public opinion that knows what is being done and what is needed. Such a public opinion will see to it that money is appropriated to train its boys and girls for the work they are to do.

I would like to have two other matters discussed. First, this overworking of pupils; second, the value of nature study.

Suggestions are often worth more than a long article. This is one reason why I make suggestions. And only suggestions are offered now.

But first let me say that I have no personal quarrel with teachers for overworking my children. My children are standing the strain, for reasons given in my last article. And they are getting as much knowledge and power as is good for them, at their age. And I will even confess that the way I know how and why teachers overwork their pupils, is because I did the same. — till I learned better. It is a hard lesson to learn and some teachers never learn it. Even public opinion will not change their opinion. But to overload a horse or an engine or a pupil is poor economy of time and strength. It shows a lack of judgment on the part of the person in charge of the loading; and the results come back upon that person as well as upon the horse, the engine or the pupil.

The one thing I have learned is that the university, the public and employers want men and women of judgment, accuracy and persistence. These qualities can be developed by proper training. I will not undertake to say here what this proper training consists in. But it does not consist in overworking the pupils in our schools. If a driver insisted on overloading his team, he would be dismissed. If an engineer persisted in overloading his engine, he would be dismissed. A driver must show judgment. An engineer must show judgment. But some teachers know no limit to the amount of load. And their excuse? "The higher schools require a given standing." "The universities require a given preparation."

The mistake is in the judgment in selecting the materials that will best develop the pupils. I am not trying here to say what this material should be; but it is not the mass of stuff the pupils so often get. In Mathematics and the Sciences the principal danger is in giving problems that are too difficult. The results are memorizing of solutions or dead failure, on the part of a large part of the class. If a pupil lacks mathematical ability, why should he be "nagged" at through a whole course in Mathematics?

But when we come to the work in History and Literature we find a mass of details where only the careless teacher is "at home" and sure of himself. What with dates without number; and names of places long ago but dust; and the miserably small ambitions and successes of a few of men and women, whose very names might better be left unknown; there is no limit to the details that exhaust the pupil's body and mind, and patience as well. And to what purpose? They are soon dust and gone as the men and women with whom they were once connected. And all the time pupils remain ignorant of conditions surrounding them; ignorant of the live questions of the day; unprepared for

their part in the events they will soon have to face.

If teachers cannot see this or will not act upon it, it is time public opinion should act.

As the High School pupil said in your paper this morning, there is something else worth learning.

U. THOMPSON.

SCHOOL SANITATION.

Editor Advertiser: May I request some of your valuable space in which to comment upon a few of the statements made by "A Practical Teacher" in this morning's Advertiser.

Have not the teachers in the city schools whose "floors are washed only once in three months," whose "rooms are reeking with filth," who are suffering from the plague of "insanitary closets" and other evils been very remiss in their duty? Why has not the matter been called to the attention of the principal? Why has not the principal reported the delinquency of the janitor to the school agent, to whom a word of complaint would result in the appointment of capable help?

It would seem that the responsibility for such a condition rests upon principal and teachers, rather than the school system.

Teachers in this country are singularly fortunate in having the hearty co-operation of all the school officials in their efforts toward correcting any evils that may exist, and in furthering the welfare of the schools whose progress is the pride and hope of Hawaii.

A PRINCIPAL.

Honolulu, Jan. 13, 1903.

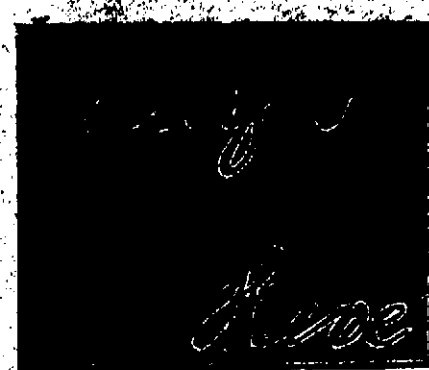
Editor Advertiser: One of the most glaring mistakes in our school system is the small work required at the hands of the teachers. Have you ever figured it out? The school calendar has just been published by the Board of Education for the coming year and it will be interesting to see how very little ground the impudent assertion of the teacher "that he is overworked" has to stand on. Every holiday, religious and patriotic, is taken advantage of. In the 365 days of the year after Mr. Pedagogue has his summer, mid-winter and Easter holidays, he has labored (?) less than 200 of them actually teaching school! In those 200 days he has worked at actual teaching on an average day of 4 hours steady work making a total of a year's work—at a year's wages—of 800 hours. In the banks and business houses, the government offices, the mercantile houses, the work shops and, in fact, most of the positions in this city, men are working steadily the year through seven to eight hours a day, or from 2200 to 2400 hours a year. Is it not a

(Continued on page 5.)

SISTER LAURENTINE DIES AT CONVENT

Sister Laurentine Loyer of the Order of the Sacred Heart, died last evening at the Catholic Convent, Fort street, at the age of 79 years. For nearly forty years the sister had been the doorkeeper of the Convent, retiring three years ago when age and ill health compelled her to relinquish her duties. Requiem mass will be said at the cathedral this morning at 8 o'clock and the funeral will take place from the cathedral at 4 p. m. today, the interment being at the Catholic cemetery on King street.

Sister Laurentine is known to every one who has visited the Convent, and her death will be mourned by thousands of women who passed their childhood among the Sisters. She was one of the first Sisters of the Sacred Heart Order who founded the Convent about forty years ago. Only two now remain of that band, one of whom is Sister Judith, the Reverend Mother of the Convent. Sister Laurentine was born in France, and was a lay sister throughout her long career in the service of the church.



ARRIVED.

Tuesday, Jan. 12.
U. S. Army Cableship Burnside, Laf-
in, from Seattle, 12 days out.
Stmr. Mauna Loa, Simerson, from
Lahaina, Maui, Kona and Kau
ports, at 6:10 a. m., with 44 bags awa,
3 sacks potatoes, 142 bunches bananas,
349 sacks coffee, 255 bags taro, 36 boxes
fruits, 5478 bags sugar, 31 head cattle,
32 pigs, 8 boxes fowls, 1 horse, 1 bull,
24 kegs butter, 20 bbls. hides, 3 bbls.
fish and 300 pkgs. sundries.
Stmr. Nihau, Thompson, from Kau-
ai ports, at 6:25 a. m.

Wednesday, Jan. 13.

Stmr. Mikahala, Gregory, from Kauai
ports, at 6:45 a. m.
Stmr. Lehua, Naopala, from Mo-
loka ports, at 12:25 a. m.
C-A. S. S. Aorangi, Phillips, from the
Colonies, at 11:30 a. m.
P. M. S. S. Siberia, Smith, from San
Francisco, at 2 p. m.

Thursday, Jan. 14.

Stmr. Helene, Weil, from Hilo, Ha-
makua, Maui, Molokai and Lanai ports,
at 12:53 a. m., with 235 head sheep, 19
pkgs. sundries.
Stmr. Eclipse from Kauai ports at
2 p. m.

DEPARTED.

Tuesday, Jan. 12.
Stmr. Kinau, Freeman, for Hilo and
way ports, at 12 m.
Stmr. Claudine, Parker, for Maui
ports, at 5 p. m.
Stmr. W. G. Hall, Thompson, for Kau-
ai ports, at 5 p. m.

Wednesday, Jan. 13.

C-A. S. S. Aorangi, Phillips, for Victo-
ria and Vancouver, at 4:30 p. m.
U. S. A. cableship Burnside, for Ma-
nilla, at 5:30 p. m.
Stmr. Lehua, Naopala, for Maui, Mo-
loka and Lanai ports, at 5 p. m.

Thursday, Jan. 14.

Am. schr. Charles R. Wilson, John-
son, for Gray's Harbor at 8 a. m.
Stmr. J. A. Cummins, Searle, for
Waimanalo, at 9 a. m.
S. S. Siberia, Smith, for the Orient, at
9 a. m.
Stmr. Mikahala, Gregory, for Kauai
ports, at 5 p. m.
Stmr. Nihau, Thompson, for Hana-
mau and Ahukini, at 6:35 p. m.

PASSENGERS.

Arrived.
From Kona, Kau and Maui ports, per
stmr. Mauna Loa, Jan. 12.—From Kau:
Miss Anderson, Miss D. Andersen, H.
A. Grass and wife, H. Hayselden, Sr.,
Dr. I. Yamada; from Kona: Vincent
Fernandes and wife, Sam Leslie and
wife, J. Gaspar, Misses de Mello (2),
P. M. McMahon, J. Coerper, D. L.
Whittington and wife, M. F. Scott, L. J.
Warren, Julian Greenwell, Paul Jar-
rett, wife and children (2), Yamashiro,
C. Akona, T. C. White; from Maui: H.
P. Baldwin, W. A. Baldwin and wife,
J. P. Rodriguez, J. C. Ridgeway, Har-
ry Penhallow, Christian Conrad, W. J.
Goelhof, Rev. F. Fitz, T. B. Lyons, Mrs.
Dudott, W. Berlowitz, Dr. J. J. Ma-
hony, Rev. S. Kapu, W. Weirick and
45 deck.

Departed.

For Hilo and way ports, per stmr.
Kinau, Jan. 12.—Arthur Anowimith,
Douglas Grant, W. B. Milne, J. Scott,
W. P. Zwilling and wife, Dr. W. Hoff-
mann, W. F. Drake, R. H. Chamber-
lain, G. C. Akina, B. H. Clarke, Dr.
Jas. Molony, Miss Alexander, Miss
Wimple, Miss E. Lewthwaite, J. E.
Higgins, W. Green, D. Conway, T. Y.
Leong, D. B. Maconachie, Mrs. J. H.
Raymond and son, D. K. Kahaloello,
Mrs. Franklin Carty, Miss G. Dowsett,
Miss V. Makee, C. H. Dickey, S. T.
Alexander, S. S. Peck, L. M. White-
house, J. S. Gray, A. A. Braymer.
For Maui ports, per stmr. Maui, Jan.
12.—Mrs. A. N. Kepolika, Mrs. David,
Miss M. Hara, Miss C. Sheffeld, Mrs.
H. T. Hayselden and son, C. Carman,
A. Haneberg, Chas. Tetiaff, A. Verra,
Jr., J. H. Craig, Miss Wilcox, Miss
Dickey, A. N. Kepolika, T. B. Lyons,
W. Love, A. J. Rodriguez, R. B. Pen-
hallow, C. F. Herrick, Ah Ping, Ah
Kee, Mrs. J. Huihul, Miss Crook, Wm.
J. Coelho, R. Henderson, C. M. Love-
sted, Mrs. D. H. Case.

Per stmr. Mikahala for Kauai ports,
Jan. 14.—F. G. Prescott, F. D. Nelson,
M. Schumie, W. H. Soper, R. J. Wil-
kinson, Rev. I. K. Kaauwai, Mrs. Dr.
W. G. Rogers, J. J. Dunne, wife and
child, Miss Handy, Miss Thomas, J. B.
Mendiola and wife.

Per S. S. Siberia, Jan. 14, for the Ori-
ent—Senator and Mrs. Cecil Brown,
Miss Irene Dickson, J. F. Titch and
wife, W. B. White and wife, Dr. Wil-
ham Daniel and wife, C. M. Huog, Mr.
and Mrs. Winship, B. A. Yorba, Man-
fred A. Hanschild and 87 in steerage.

Shipping Notes.

Capt. Weedon, formerly of the Ne-
vadan, has been placed in command of
the Nebraskan which is to sail on Jan-
uary 20 from San Francisco for New
York direct. The Nebraskan now has a
capacity for 10,000 barrels of oil. Capt.
Greene now commands the Nevadan.

Gas schr. Eclipse, Gaban, from Kau-
ai.

The Mikahala sailed for Kauai ports
last evening.

The Alameda is due to arrive this
morning with two days' mail.

The schooner Charles Wilson sailed
for the Sound yesterday morning.

The Siberia sailed for the Orient at
nine o'clock yesterday morning.

The Helene arrived from Hawaii
ports yesterday morning with sheep.

The ship Star of Bengal sailed Janu-
ary 4 from San Francisco for Mak-
au.

The Maui will go out on her new
run today to connect with the Alameda
for Hawaii ports.

THE OLD RELIABLE



WANT ONE GREAT DOCK

With Solid Walls
to Endure for
All Time.

Representatives hall, or the old
throne room, was the place of more
than one important meeting yesterday.
There was a small gathering of ship-
ping men there at 4 p. m., to consider
a subject as important, in its own way,
to the general welfare as the imposing
conference on county government of
the morning.

C. S. Holloway, Superintendent of
Public Works, brought the conference
together to discuss Honolulu wharf and
dock improvements. Besides the Su-
perintendent and his consulting en-
gineer, Marston Campbell, there were
present: C. L. Wight, president of the
Wilder Steamship Co.; J. A. Kennedy,
president of the Inter-Island Steam
Navigation Co.; F. W. Kiebach, repre-
senting H. Hackfeld & Co., Ltd.; Fred.
Whitney, W. G. Irwin & Co., Ltd.; and
Clarence Crabbe, Theo. H. Davies &
Co., Ltd.; Capt. Thos. K. Clarke, port
superintendent for Wilder's; Andrew
Fuller, harbor master, and Wm. H.
Hoogs, representing the drayage inter-
ests.

COOPER SCHEME MODIFIED.

Former Superintendent Cooper's
great dock improvement scheme for the
"outer harbor"—that is, the por-
tion between a line drawn in exten-
sion of Fort street and the port en-
trance—was spread out in drawings
upon a table. The principal map had
marked upon it in colored lines, a mod-
ified scheme designed to fit the allow-
ance of means which the Legislature
made. An appropriation of \$750,000
had been asked, out of loan funds, but
only \$300,000 was voted, with the un-
derstanding that the next Legislature
would be asked for an equal amount.

Fresh Vegetable Seeds

IN

5ct. Packages

Just Received

Complete Assortment

Hollister Drug Co.

FORT STREET.

CHAS. BREWER CO.'S
NEW YORK LINEShip Tillie E. Starbuck sailing
from New York to Honolulu
March 1st. FREIGHT TAKEN
AT LOWEST RATES.For freight rates apply to
CHAS. BREWER & CO.,
27 Kilby St., Boston,
or C. BREWER & CO.,
LIMITED, HONOLULU.

If the entire improvement planned at
that time be deemed wise to complete.

The modified scheme met with gen-
eral favor. It is to construct a slip
capable of accommodating two of the
largest ocean steamers calling at this
port, between Navy slip No. 1 and the
Pacific Mail wharf.

Mr. Kiebach indicated the nature
and advantages of the scheme on the
map, amidst a conversational dis-
cussion.

SOLID CONSTRUCTION.

It is proposed to build a seawall 75
feet out toward Ewa from the Navy
wharf and, cutting off a portion of
the present Pacific Mail wharf, dredge
a slip 200 feet wide clear back to Allen
street. With the dredgings the wall-
ed-off space next to the Navy wharf
would be filled in. The length of the
slip is presently given as 550 feet,
although this would leave the steamer
Korea, 576 feet long, protruding her ex-
cess into the harbor. Still she could work
all her hatches. There would be two
berths for the largest liners, or four
berths for steamers of medium size.

The seawall is to be of solid con-
crete in the main, yesterday's discus-
sion leading to the conclusion that at
the present deep water end of the site
cylindrical concrete piers should sup-
port the wharf superstructure.

QUESTION OF SHEDS.

Warehouse sheds were the subject of
a good deal of talk. Mr. Campbell
asked if there ought not to be two-
story sheds.

Mr. Whitney answered that the cost
of piling freight in such lofty sheds
would be too great.

It was generally agreed that there
should be at least a shed on one side,
of 75 feet width and extending the
length of the slip. This would allow
a steamer with a large cargo to berth
at the side having the shed, where the
merchandise might be speedily stored
and the steamer have quick dispatch,
while a steamer from an opposite di-
rection with a light cargo to discharge,
arriving the same day, would be docked
at the open side if a single shed be
the decision.

Mr. Fuller said the shed at the Bish-
op wharf was only 15 feet clear of the
dock. He did not consider this suffi-
cient, as the sheds ought to be at least
20 feet away.

Mr. Campbell replied that the Oceanic
shed was but 15 feet away, while in
San Francisco sheds were not more
than four feet from the edge of the
wharves. There was something wrong
with the handling of cargo at the Bish-
op wharf if slings hit the sheds.
Mr. Crabbe said the Korea or Si-
beria would not have room to put down
the gangway at the Oceanic wharf.
Someone in reply suggested a way to
get over this difficulty, by placing the
gangways opposite the shed doors.

GIVE ENOUGH ROOM.

The prime object of giving a width of
200 feet to the slip was to afford room
for coaling or freight lifters to get be-
tween two steamers when docked at
the same time. Mr. Hoogs told of a
lighter having to be taken out of com-
mission the other day, and small scows
employed instead, when the steamer Si-
beria was docked opposite the cable-
ship Burnside in the Navy slip, which
is 140 feet wide.

WITHIN THE MEANS.

Mr. Campbell demonstrated the idea
of seawall construction already noted.
The concrete wall could be put down
in the 34 feet of water contemplated
and the work, in his opinion, not ex-
ceed the appropriation of \$300,000 in
cost.

Mr. Fuller agreed with the solid wall
proposition, with earth filling behind.
This was modified later on the sug-
gestion by Mr. Campbell of piers at the
outer end.

THE GRAND OBJECT.

Mr. Wight struck a keynote, to
which there was an agreeable response,
when he said:

"When you go to build a wharf, do it
well for all time—if you only build one
now. It is not a matter of mere in-
come, but with the idea of making Ho-
nolulu the center of Pacific commerce."
Mr. Whitney echoed the sentiment
by saying they wanted the informa-
tion to go abroad over the world that
ships in distress, or needing any re-
pairs or supplies, might here find a
safe haven where cargo might be stor-
ed or transferred in case it were de-
sirable.

MINOR IMPROVEMENTS.

Other harbor improvements were dis-
cussed, for which it was stated that
means would be available.

One of these minor works represented
as much to be desired was an enlarge-
ment of the bight lying between the
Oceanic wharf and the old Inter-Island
wharf. This would prevent the pro-
jection of sailing vessels into the
stream, to the embarrassment of pilots
faking large steamers in or out.

Another improvement to come into
immediate plans is the widening of
Fort street slip by 24 feet so as to have
it accommodate two ordinary wind-
jammer or steamers lying parallel to
each other at opposite wharves.

CAPTAIN NIBLACK
AWAITS ORDERS

Captain Niblack, commandant of the
naval station, called on Governor Car-
ter yesterday afternoon in his new
capacity of inspector of the lighthouse
sub-district of Hawaii. He was dis-
appointed in expectation of his in-
structions by the Siberia's mail, but
hopes now to have them by the Al-
ameda this morning. Captain Niblack
also expects the arrival of a clerk for
the lighthouse business in the Alameda.
Pending the receipt of instructions by
the Federal inspector, the Territorial
Government is keeping the wicks trim-
med and the lights burning. It is a
safe enough risk, whatever else is
shaky, in view of the proclamation by
President Roosevelt taking over the
lighthouses.

THE PUULOA
HOMICIDED. Nuuanu Found
Guilty Second
Degree.

Daniel Nuuanu was found guilty of
manslaughter in the second degree be-
fore Judge Robinson yesterday after-
noon. He was charged with stran-
gling one Kaahue to death at Puuloa,
near Pearl Harbor entrance, last Sep-
tember. The jury retired at 4 o'clock
and returned the verdict at 4:30. Coun-
sel for defendant gave notice of motion
for a new trial. Sentence was ap-
pointed for Monday at 10 o'clock.

BILLY PATTERSON, STRIKER.

"Who struck Billy Patterson?" was
a famous problem many years ago.
William Patterson appears for trial as
the alleged striker, instead of the
strike, before Judge Robinson this
morning. He is under indictment for
assault and battery.

SURETY WITHDRAWS.

The Fidelity Insurance Co., Ltd.,
Emmett May, secretary, has filed its
withdrawal as surety on the bond of
Jessie K. Kaee, executrix of the will
of Margaret V. Carter, deceased.

RESTITUTION ORDERED.

Judge De Bolt has caused judgment
to be entered in favor of Maria Raw-
linhos against A. M. Silva for the res-
titution of certain premises situated in
Kinau street, Honolulu, now occupied
as a dwelling by the defendant.

PROBATE MATTERS.

Mary Kamakalehua Judd has a peti-
tion on file for the appointment of Mrs.
Emily C. Judd as guardian of the prop-
erty of Emily C., Charles H. and
Pauahi, minor children of the peti-
tioner.

Lum Aig, son of Ah Kana, alias Ah
Kui, deceased, petitions that Yim Jan
Kong be appointed administrator of his
father's estate, which consists of a
claim of \$190 against the estate of the
late W. L. Wilcox.

REHEARING ASKED.

Plaintiff in the case of Frank God-
frey, trustee for Thomas Metcalf, vs.
John Kidwell, has by his attorneys,
W. Austin Whiting and Chas. F. Clem-
ons, filed a petition for rehearing in
the Supreme Court, where a decree of
the Circuit Judge in plaintiff's favor
was reversed. The following grounds
are submitted:

1. That said decision of the Supreme
Court is in conflict with former con-
trolling decisions to which the atten-
tion of said court was not drawn;
2. That questions decisive of the
case, and duly submitted by counsel,
have been overlooked by the court in
said decision;
3. That said decision is based upon
mistake or misapprehension of the
facts of the case apparent upon the
record;
4. That many fraudulent acts, omis-
sions and silence of defendant as ap-
pear of record render said decision
against equity;
5. That said decision does not give
due weight to the evidence in said
case is not supported by the facts
in the record;
6. And, further, petitioner submits
that the special circumstances of the
case; the fact, as appears of record,
that the plaintiff was an ignorant
young man, without business training
or experience, who had just arrived at
majority, who was without disinter-
ested or independent legal or other advice
in the transaction at issue; that the
consideration involved was hardly a
fair one, that no error appears in the
admission or rejection of testimony,
that the cause appears to have been
heard fairly and fully in the lower
court, and that the Judge thereof is
the best judge of the evidence and the
weight of evidence; and that the appeal
in this Supreme Court was decided by
a divided bench; and that the cause is
one in equity, the policy of which is
liberal—render a petition for rehearing
especially reasonable and worthy of
favorable consideration.

JAPANESE COUPLE SEVERED.

Judge De Bolt granted a divorce to
Kiku Fukunaga against her husband
Ichisuki Fukunaga on the ground of
desertion. T. J. Dillon appeared for
libellant, the libellee making no ap-
pearance.

DEBT IS SETTLED.

Dr. J. T. Wayson's suit for \$127.18
against Deborah Pahau, on defendant's
appeal from Judge Dickey, has been
discontinued by plaintiff through set-
tlement out of court.

APPRAISERS APPOINTED.

Judge Robinson appointed H. Focke,
Geo. Stuebner and F. Freudenberg as
appraisers of the estate of In Chock,
deceased.

DISCHARGE IN BANKRUPTCY.
Henry C. Vierra has filed a petition
in the United States District Court for
discharge from bankruptcy.

Park Commissioners.

Secretary Atkinson yesterday signed
and forwarded commissions to the
following newly appointed Park Com-
missioners: A. S. Cleghorn, W. M. Gif-
ford, F. M. Hatch, H. E. Cooper, L. A.
Thornton and E. S. Cunha.

ASSESSMENT
STARTS NOWMr. Pratt Wants to Be
Prepared For Every
Eventuality.

Tax Assessor J. W. Pratt dismissed
six of the junior clerks of the Oahu
tax office without prejudice, so as to
avoid the making of more public obli-
gations than can be helped in the un-
settled situation produced by the nulli-
fication of the County Act. At the same
time he notified the remaining members
of the office staff that they are work-
ing only on prospective payment for
their services. They were also in-
formed that their daily time would be
twelve to fifteen hours, as they would
have to do the writing up of the day's
work at night.

This year's assessment work under
the Territorial system, brought into
force again through the abrupt cut-
ting out of county government, will be-
gin on this island today. Mr. Pratt is
sending out all the deputies to make
their field notes. Under the County
Act assessments had to be made by the
fourth Monday of March, whereas they
are not due under the Territorial sys-
tem until June 30. Mr. Pratt's object
in promoting the work now is to pro-
vide against having the County As-
sessor bunched up should the County
Act be legalized by the United States
Congress. The new blanks have been
already provided.

Reversion to the old law places the
income tax assessment forward to July
1, and the exemption at \$1000 instead
of \$1800 as the county law provided.

With regard to the clerks let out un-
der the present stress, Mr. Pratt says
that, so far as he is concerned, they
will all get back whenever circum-
stances warrant.

THE SCHOOL QUESTION

(Continued from page 7.)

fair question to ask whether the teach-
ers of the Territory are earning their
salaries, especially when they turn
back to the parent, the pupil to be
really taught at home?

"I have had the same bitter expe-
rience as those of hundreds of other
parents in this city. 'Home-work'
has been the bane of my existence for
some years past and the stand your
paper has made in behalf of the suffer-
ing freholder and taxpayer has struck
a responsive chord in my family. To
have one of your children in tears be-
cause he couldn't understand the pec-
uliar system of working out an arith-
metical problem when you are tired
out with your day's work was a cir-
cumstance in many of the Honolulu
homes in the past. But we now un-
derstand that ours is not the only
stupid boy or girl that has to do
'home-work,' but that the shirking
of the teacher's duty has been the ex-
perience of most of our people.

One could, however, forgive, in the
inaptitude of the scholar, the desire of
the teacher to have him taught at
home, if he did not know how little
time the teacher really gave to his
pupils. The above figures will show
it.

One word more. We all have the
deepest respect for the teacher whom
the above does not apply to. We all
know her. The earnest, affectionate,
devoted teacher! She is praised all
over the city and her works follow
her." Her rooms are always crowded
with pupils and she don't bother the
parents' & her pupils with work for
the child to do at home.

There is the other one. The head
some time of the whole system, giving
most of his time to editing a daily pa-
per or booming a resort for rheumatics,
or the flighty young woman on the
still hunt for a holiday or two o'clock
in the afternoon that she may forget
until 9 o'clock next morning the few
hours that she has spent with her pu-
pils.

Where are the good old days of our
childhood when we trudged through
two feet of snow in this same month
of January forty years ago. We know
we started at lessons at 8:30 a. m. and
finished, if we were not "kept in," at
4 p. m. with a cold lunch at noon. A
proposition like this would send the
cold shivers down the back of some
of our modern teachers, but would it
have that effect on the parents? Try
us.

C. D. STONE.

Bullet Broke Plate Glass.

Detective McDuffie's revolver was ex-
ploded accidentally in the Waverly bar-
ber shop yesterday and the bullet went
through a heavy plate glass window,
and just missed a man who happened
to be in the vicinity.

McDuffie put the revolver in his coat
pocket, in its case, while in the bar-
ber's chair. When he put his coat on
again he forgot about the gun, and it
dropped from his pocket, striking on
the hammer, with the result above re-
ported.

BY AUTHORITY.

MORTGAGEE'S NOTICE OF INTEN-
TION OF FORECLOSURE AND OF
SALE

Notice is hereby given that, pursuant
to the power of sale contained in that
certain mortgage dated May 31, A. D.
1899, made by Elizabeth K. Smith, wife
of George W. Smith, of Honolulu,
Island of Oahu, Territory of Hawaii,
Mortgagor, to Mary J. Alexander,
Mortgagee, and recorded in the Regis-
ter Office, Oahu, in Liber 196, pages 40-
43, the Mortgagee intends to foreclose
said mortgage for condition broken, to-
wit: the non-payment of principal and
interest when due.

Notice is likewise given that the
property conveyed by the said mort-
gage will be sold at public auction at
the auction rooms of James F. Morgan,
Kaahumanu street, Honolulu, on Sat-
urday, the 6th day of February, 1904,
at 12 o'clock noon. The property cov-
ered by said mortgage consists of:

First. All that certain piece or par-
cel of land situate at Pauwela, Hama-
kualoa, District of Makawao, Island of
Maui, Hawaiian Islands, containing an
area of 46 acres, 3 chains and 65 fath-
oms (more or less), and being the same
premises described in Royal Patent No.
144 to Paele and conveyed to the mort-
gagor by Kia Brooks and George
Brooks, per husband, by deed dated
November 28, A. D. 1895, and recorded
in the office of the Registrar of Con-
veyances in Honolulu in Liber 155,
pages 356 and 357.

Second. All that piece or parcel of
land situate at Kamaole, Kula, Island
of Maui aforesaid, containing an area
of 5 acres (more or less), and being the
premises described in Royal Patent
(Grant) 892 to Philip; also all those
pieces or parcels of land situate at Ha-
makualoa, said Island of Maui, and be-
ing parts 1, 5 and 6 of Royal Patent
2168, Land Commission Award Nos. 6
3823 and 6813 to Paele; Part 1 contain-
ing an area of 86-100 of an acre; Part
5 containing an area of 5-100 of an
acre, and Part 6 containing an area of
3-24-100 acres; said premises described
in Paragraph Second being the same
premises conveyed to said Elizabeth K.
Smith by deed of Kia Brooks and hus-
band, dated July 29, 1895, and recorded
in the Register Office, Oahu, in Liber
164, pages 131 and 132.

Third. All and singular that parcel
of land situate at Kaula, in said
Honolulu, bounded and described as
follows:

Beginning at the east corner of this
land, being the west corner of Makai-
nai Lane and Kuakini street, and run-
ning:

N. 41 deg. 20 min. W. 101 feet along
Kuakini street;
S. 53 deg. 00 min. W. 110 feet;
N. 41 deg. 00 min. E. 118.5 feet along
Lot 3;

N. 44 deg. 20 min. E. 113 feet along
Makainai Lane to the initial point,
containing an area of 12,058 square feet
(more or less).

And being the same premises con-
veyed to said Elizabeth K. Smith by
deed of Jesse P. Makainai, dated June
1, 1899, and recorded in the Register
Office, Oahu, in Liber 238, pages 214-216.
Together with all the rights, easements,
privileges and appurtenances
thereto belonging.

There is a comfortable cottage upon
this last mentioned house-lot on Ku-
akini street between the residence of
Mr. F. C. Jones and Liliha street, and
the premises together afford a very de-
sirable opportunity for investment.
Terms: Cash United States Gold
Coin. Deeds at the expense of pur-
chaser.

For further particulars apply to W.
O. Smith, Judd Building, Honolulu.
Dated Honolulu, January 6, 1904.

MARY J. ALEXANDER,
Mortgagee.

By her Attorney-in-fact, W